Supreme Court, U.S.
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No. 93-

In the Supreme Court of the United States

OCTOBER TERM, 1993

IN RE:
ANTONIO CORDOVA-GONZALEZ,
PETITIONER.

Petition for Writ of Certiorari
To The United States Court of Appeals
For the First Circuit

PETITION FOR WRIT OF CERTIORARI

ANTONIO CORDOVA-GONZALEZ
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QUESTIONS PRESENTED

1. Whether a disciplinary proceeding which lasted one thousand two hundred days, equivalent to three point twenty nine years (1,200 days = 3.29 years), under the special and unique circumstances of the case on appeal did in fact violate appellants rights to DUE PROCESS, therefore the Circuit Court of Appeals for the First Circuit did err, when it found that under the abuse of discretion doctrine, appellants life disbarment by the sentencing court *a quo*, was not violative or equivalent to denial of due process, equal protection of the law, and cruel and unusual punishment, and multiple exposures to process base on the same set of charges.

2. Whether the lower court erred in excluding evidence submitted by appellant which proved and or demonstrated motivation and outright bias and prejudice of the five District Court Judges who issued the life disbarment order against appellant, thereby curtailing appellant's rights to full review of all facts pertinent to his defenses against the appealed judgment.

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PETITION FOR WRIT OF CERTIORARI

Antonio Cordova-Gonzalez Esq., pro se hereby petitions that a writ of certiorari be issued to review the judgment and opinion of the United States Court of Appeals for the First Circuit entered in June 29, 1993, the opinion is dated June 30, 1993.

Opinion Below

The opinion of the United States Court of Appeals is reported at 966 F.2d 1334 sub num. In Antonio L. (sic) Cordova-Gonzalez and is printed in the Appendix at page A-1.

The Opinion of the United States District Court for the District of Puerto Rico is reported at ____ F. Supp. ____ and reprinted in the Appendix at page A-7.

The United States District Court for the District of Puerto Rico Docket Miscellaneous Case #88-118 (H.L.) is printed in the Appendix at A-37.

Local disciplinary Rule (211) is printed in the Appendix at A-52.

Jurisdiction

The First Circuits judgement was interred on June 29, 1993, not withstanding that the Opinion of the Court is dated June 30, 1993. The jurisdiction of this Court is involved pursuant to 28 U.S.C. §1254 (1).

Constitutional Provisions

United States Constitution
Amendment V.

Capital crimes; double jeopardy; self-incrimination; due process; just compensation for property

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI.

Jury trial for crimes, and procedural rights

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Statement of the Case

Your respectful petitioner has been in active, practically exclusive federal trial practice, since 1962. He was a former member of the United States attorney professional staff, two times considered for the federal bench since 1970 (has respectfully declined), a dedicated forceful criminal trial lawyer involved in the most renowned cases in local federal jurisdiction for the last thirty years. He's been counsel for governors, for the legislative branches and for most controversial local political figures. Cordova has been very active in local politics, and ran for resident commissioner in Washington in 1984. (Island representative before U.S. Congress.) He was partner to former United States District Court, Chief Judge Jose V. Toledo and partner at the United States Attorneys Office during early sixties of now Chief Gilberto Gierbolini Ortiz. Cordova is a practicing Roman Catholic, Minister of the Eucharist. Petitioner has been married for the past 29 years to Mercedes Rivera. They have two children from said marriage. Tony who is 27 and an attorney at law, who is a law clerk to a local judge. Javier, 25, who is a college graduate and successfully operates his own private business enterprise.

Your respectful petitioner indulgently accepts that as he has aged, he has become more cognizant of the failures of the institutions and the judicial process. He acknowledged having spoken his mind and heart out on several issues, but never has he been contumacious, harbored *mens rea* or a lack of professional courtesy. It so happens, that all of a sudden so called antiethical behavior has developed toward judges who were his fellow counsels through the years, or members of the bench and bar much younger than him, in age and professional wise.

Cordova has been disbarred for life from federal court, since June 29, 1992. He and his wife have been forced to file bankruptcy for a second time, since disbarment proceedings were amply published back in October 1988. He was able to be discharged from the first, but since June 1992 he was not

able to cope with his economic obligations, due to lack of liquidity.

Early in 1987 he took a loan, from a client, of one hundred thousand dollars. A promissory note in full compliance with civil notary law requirements was issued. The client was paid back in professional services and he did issue a receipt in full payment of the debt, for legal professional services rendered in some four criminal and a similar amount of civil (seizure) cases during a three year period.

Cordova's wife presented before the clerk of the District Court below several deeds relating to her private (not conjugal) ownership to serve as security for a family that was from her hometown, and very well known in social, economic and political circles. Several days after presenting the deeds before the clerk, on her pro se motion to the court; all defendants cosigned the motion, and withdrew the documents. A bond was never approved by any judge or magistrate, therefore the properties were never pledged or any encumbrance placed over them. It so happens that at the time Cordova's wife so acted, the conjugal partnership was under proceedings under Chapter XI, of the United States Bankruptcy Laws. A disciplinary panel appointed pursuants to Trial Rule 211 concluded that "Mrs. Cordova's actions could have, if the bond would have been approved, affected the bankruptcy proceedings." No such speculative conclusion did ever happen. Nonetheless the decision below concluded that Cordova connived with at an effort to deceive the District Court. . . . First charged, October 7, 1988.

The Court below found Cordova had used abusive and disrespectful language, because he in a counter pleading wherein a district judge found Cordova morally unfit because having taken a $100,000 loan from a hoodlum (his client), Cordova replied to the judge in similar incisive language. Cordova advised the judge that he lacked decorum to judge his morals (Cordova's), since the judge had womanized with his then law clerk. We made an offer of proof and filed a formal complaint against said district judge (Hon. Jose Antonio Fuste) before

the Judicial Council for the First Circuit. Upon applying to take the depositions of Judge Fuste's former wife and his actual wife, (former law clerk), Honorable Chief Judge Breyer (one of the lower court judges, in the panel which judgement is the subject of this petition), precluded Cordova from so doing, under penalty of sanctions. It was then Honorable Judge Breyer's opinion that our complaint dealt or related to the private matter of the judges life not pertinent to his functions as a member of the bench. The third charge, August 30, 1990.

The charge related to the bond was subject to investigations by order of Honorable Judge Hector Laffitte since October 7 and 14, 1988. On November of that same year the $100,000 loan was sua sponte included as part of the original investigation by way of complaint filed by United States Attorney's office before the United States Magistrate designated on October 14, 1988. The Court as such never did delegate authority upon the magistrate to investigate and recommend as to the loan charge nor were the United States Attorneys claims against Cordova ever adopted by the court.

The order of the court of October 14, 1988 limited the authority invested in the United States Magistrate, only as to the bond charge.

On April 3, 1989, United States Magistrate Justo Arenas, filed a report of his investigations, in which he reports as to the bond issue and multiple other charges filed by the United States Attorney's office. In short, the Magistrate on April 3, 1989 includes the charge relating to the bond which later, on August 30, 1990 was ordered reinvestigated.

It is most pertinent to mention that Cordova became aware of Judge Laffitte's order to investigate his ethical conduct by way of headlines which the local press published on October 8 and 9, 1988, he was never formally notified of charges.

Cordova was not subpoenaed to testify under advice of perjury, by Magistrate Arenas, he was simply served a subpoena to appear for an investigation. It was upon Magistrate Arenas ample questioning that Cordova became aware that he was

formally under inquisitive investigation which related to over ten different matters, referred to by United States Attorney's request to the magistrate in addition to the "bond charge" which Cordova had become aware of through the media, on October 8, 1988.

Cordova was never notified of Magistrate Arenas report filed on April 3, 1989, which by the way was exculpatory as to the bond and loan charges. That is, the Report is exculpatory. It's the District Court and the Court below's opinion based on said report which through groundless conclusions do unfoundly find Cordova guilty of unethical conduct.

Judge Laffitte sort of "sat on" Magistrate Arenas' Report of April 3, 1989 took no actions for over three years. Not withstanding Cordova's early request for speedy proceedings.

Between October 7 and December 1988, Cordova filed multiple motions requesting "speedy trial", he did so even after Magistrate Arenas' report, without knowing that the Magistrate had filed his report on April 3, 1989.

It was not until Cordova's appearance in a motion rebutting Judge Fuste's unethical charges against him, that Judge Laffitte reopened, so to speak, the October 7, 1988, investigation, appointed a Three Bar Member Committee to investigate and recommend Cordova alleged unethical conduct. That was August 31, 1990. Appendix Docket Entry # 19.

Cordova was not notified either of the appointment of the Committee nor of the charges. Again it was through press releases once again that he was "informed" of charges.

On September 5, 1990, Cordova immediately moved by way of motions requesting to be notified of the charges, who were the members of the committee, and, the scope of investigations. Appendix p. A-41 Docket #23, dated September 10, 1990.

When notified of the charges, November 5, 1990. Cordova immediately moved to inform the court (Judge Laffitte), that two of the charges (out of three) were subject to investigations since October 14, 1988 order of investigations entrusted to Magistrate Arenas. The additional charge added on October

10, 1990 was "vitriolic and disrespectful" language toward Judge Fuste. Cordova filed a bill of particulars, and, it is not until November 2, 1990, that Cordova became aware that Magistrate Arenas had rendered and filed a Report as early as April 3, 1989, he therefore pleaded double exposure, since Magistrate Arenas had investigated and rendered a report on matter; now years after once again submitted for investigations. The bond and loan charges dated to October 14, 1988. Appendix #35, November 5, 1990 p. A-43.

Then, after Cordova's motions relating to double exposure; the official docket of the court is altered by the clerk, with the oversight and consent of the court. Magistrate Arenas Report and Recommendations filed on April 3, 1989, (See Appendix p. A-43, docket entry #36 dated November 6, 1990), where Arenas Report and Recommendations is redated October 18, 1990. See docket #15, April 3, 1989; notice that the last is the true filing date of Arenas' report.

A similar alteration of the record (docket #55, App. p. A-45) of the case was performed on May 9, 1991 when the case was sua sponte converted from a Miscellaneous (sealed) case into a civil action. This gives way to the opening of the investigation to the press. Aimed by Judge Laffitte and Judge Perez at undermining Cordova's credibility before the general Puerto Rican public, which later on will hear Cordova deposed before a Puerto Rico Senate Special Committee related with the local police assassination and coverup of the killing of two young "separatists". Both judges were deeply involved in a most compromising manner, with the event occurred in 1978, now historically known as Cerro Maravilla Massacre, and subject of a Hollywood movie entitled Show of Force and had an ample display in Life magazine. The whole plan a coverup by the preponderance of the evidence points at Governor Carlos Romero Barcelo, who under local law is the commander of the Island police force.

Cordova moved for the disqualification of both judges to no avail on several occasions.

On September 12, 1991, the Committee submits its Report

and Recommendations. Cordova is notified of the Report. He filed for transcript of proceedings before the Committee and before the Bankruptcy Court (where the Bond issue had been litigated and the Cordova's discharge of any responsibility); moved for the transcripts of the tapes of the witnesses which testified before Magistrate Arenas (the Committee relied on Arenas report and made no independent investigation whatsoever). Cordova was *only* permitted the transcripts of two committee hearings in which he had been the only person deposed.

From September 12, 1991, the case remains once again dormant. Notwithstanding, Cordova's delinquent prosecution of case against him.

Cordova was scheduled to testify before the Senate Committee on March 25, 1992. On March 24, 1992 (Docket entry #95), Judge Laffitte ordered the Committee's Report unsealed. The Committee's recommendation of Cordova's disbarment for a period of one year once again makes headline news island-wide. Character assassination? High tech lynching? Coincidence?

Cordova's appearance before the Senate Committee is rescheduled, he testified on April 3 and 4. Most compromising evidence of lying and coverup is disclosed by Laffitte's former client and actual assassin of both young men. The evidence before the Committee also incriminates Judge Perez and Torruellas and Governor Romero not to mention Madame Judge Cerezo's husband.

Cordova and Laffitte were requested to appear as counsel by Judge Laffitte's then in-law of his daughter, Governor of Puerto Rico at the time (Romero). Cordova appear as counsel for the undercover agent who lured the two youth to the sight of the massacre, July 25, 1978 — Puerto Rico Constitutions Celebration and also the day in which the United States Marines invaded Puerto Rico in 1898 during the Spanish American War. The plot which led to the massacre pursuant to the evidence that transpired before the Puerto Rico Senate Committee, was orchestrated by the Police of Puerto Rico

with the oversight of the United States Army Intelligence. The purpose was to persuade growing anti-American movements, in Puerto Rico and the U.S. mainland. Explosives had killed several United States citizens on the main land, one of these explosives was placed in a Wall Street restaurant.

Judge Carmen Cerezo's husband was proved to have induced a witness to commit perjury. This same madame judge had ordered and incarcerated Cordova, for not having paid some court cost the date ordered, some years before. These judges constitute the majority of the panel of five which disbarred Cordova for life after over three years of being subject of constant disciplinary proceedings, and days after his incriminating statements against his professional life executioner at the Senate Hearings aforementioned. Judge Laffitte, Perez and Cerezo's husband.

Reasons for Granting the Writ

I. THE DECISION BELOW IGNORED THE REQUIREMENT SET BY THIS HONORABLE COURT *IN RE RUFFALO*, (1968), 390 U.S. 544, 88 S.CT. 1222, *REHEARING DEN.* 391 U.S. 961, 20 L.ED.2D 874, 88 S.CT. 1833, WHICH DEMANDS THAT COUNSEL BE AFFORDED AND IS ENTITLED TO PROCEDURAL DUE TO PROCESS IN A DISCIPLINARY ACTION. ATTORNEYS ARE "FIRST CLASS CITIZENS" AND IN RELATED BAR PROCEEDINGS, THEY ARE ENTITLED TO ALL SAFEGUARDS WHICH DUE PROCESS COMPOSES. AT PAGE 552. ABSENCE OF NOTICE OF CHARGES AT THE VERY BEGINNING OF THE PROCEEDING BACK IN OCTOBER 7, 14, 1988; TOTAL DISREGARD TO SPEEDY PROCEEDING; WHICH ADJUDICATION LASTED 3.29 YEARS OR 1,200 DAYS, NOT WITHSTANDING MULTIPLE REQUESTS FOR A SPEEDY TRIAL, DENIAL OF FAIR AND IMPARTIAL JUDGES, PLUS. MULTIPLE OVERLAPPING INVESTIGATION AND ADJUDICATIONS AS TO THE SAME MATTERS-CHARGES, DID CONTRAVENE AT THE FEDERAL LEVEL WHAT THIS COURT STATED IN *SELLING* V. *RADFOR*, (1917) 243 U.S. 46, 61 L.ED. 585, 37 S.CT. 377.

The decisions below ignored the standard minimum requirements of this Court since 1968 in, *In re Ruffalo*, 390 U.S. 544, that attorneys who are accused in bar disciplinary proceedings have a right to due process and that as stated in *Bradley* v. *Fisher*, 80 U.S. 335 (1959), this Court has, since 1871 established that removal of an attorney from office is regarded as a criminal proceeding in its nature, but whether criminal or civil, always it is a strictly judicial proceeding to the affected by due process of law and by the exercise of judicial discretion of Court and not by arbitrary power of a judge. Both Courts below acted arbitrarily in exercising its judicial discretion. Furthermore, what more prejudicial to petitioner than be submitted to a constant and continued process of disbarment for over three years, to overlapping investigations not withstanding his multiple prayers for speedy hearing and final adjudication?

In short, the Court below completely disregarded this Court's ruling that, attorneys are also first class citizens in related bar proceedings they are entitled to all safeguards which due process comprises, *In Re Ruffalo*, supra.

If the decision of the Court below is allowed to stand, it would permit the United States District Court for the District of Puerto Rico to have exercised arbitrary or tyrannical powers, which are repugnant to the Constitution, since under our institutional system of government and unjust arbitrary power over another's lawful pursuits is not rested in any man or Tribunal. It is obvious whenever exhibited, and nowhere does it appear more so than when exercised by juridical officer towards a member of the bar practicing before him. *Midler* v. *Golutta*, 405 F.Supp. 182.

The matters herein dealt with, are of first impression, before this Court, at State or federal level. Our research has not revealed any previous case in this country's case law, where counsel has been subject to perpetual ongoing proceedings' for disbarment for such immense, prolonged time, after which he was life disbarred. Without any scintila of basis to justify said tardiness.

The question presented is also novel inasmuch as counsel was submitted to at least two investigations with overlapping charges, as to which counsel was notified of, upon request, some two years after the investigation had formally begun. Are these quasi criminal type proceedings "open" to multiple exposures? Or should there be a reasonable standard of protection? When should one be notified of charges?

The case is also novel in all jurisdictions inasmuch as the Trial Court, without cause did not take any disciplinary action as to your petitioner, notwithstanding the fact that it had basis to decide, some three years before it issued its order of disbarment. Can a court "sit on a case" dealing with disbarment of a lawyer for over three years, with absolute and complete disregard to the gravity of the injury inflicted to an attorneys good name, the potential deprivation of liberty and property interest, all of which interest are subject to strict due process scrutiny. This is precisely to point, the transcendental issue, this Honorable Court is asked to review and under its wise judgment. Was petitioner afforded procedural due process, timewise? Can disbarment proceedings be everlasting or dependent solely on the will of the disbaring court? Is that "will" limitless?

In short, the whole matter herein subject to review by way of petition for certiorari could be summed up, to wit.

Arguendo true, all conclusions and findings; verification of charges against petitioner. Still, does the time span elapse in the final adjudication of his case conform to a due process challenge? That is the gist of the matter before the Court. Late justice is injustice!

II. The decision of the Court of Appeals expressly ignored the issue of direct bias and prejudice.

The decision expressly ignored and refused to consider the issue of direct bias and prejudice levied by your petitioner, as against three of the five judges which from the disbarring panel, and his impeachment of the panel as a whole for being

contaminated, or having "spilled over" effect which biased their minds against petitioner due to petitioners charges against fellow judges of the same Court. And a former member, now sitting in the Court below; tainted by a sort of a judicial type esprit de corps. Should it have been fair and impartial to request and out of the jurisdiction of the judge? It had so been done in similar cases before, precisely one to which Laffitte and Governor Romero were parties. That issue was presented to the court below.

The District Court disbarred your petitioner, over three years after the order to investigate was issued, but it so happens that the life disbaring order was summarily issued just days after he testified before the Puerto Rican Senate as a witness. His testimony revealed that United States District Judge Hector Laffitte in early nineteen eighties had appeared as counsel for the actual murderer of two youths killed by the Puertorican Police, in what has been called the Cerro Maravilla Massacre, it transpired that said judge, then counsel, lied to the Federal Bureau of Investigation, and was appointed counsel of the assassin by his daughter's father-in-law, then Governor of Puerto Rico. He was thereafter appointed to the federal bench.

It also transpired from the final report of the hearings and from your petitioners testimony and policemen who took part in the massacre, where given firearms by the U.S. Marshall for the District of Puerto Rico, following orders of U.S. District Judge Juan M. Perez Jimenez, for said local police to "give protection" to said District Judge and the others Distrrict Judges, Juan B. Torruellas (now sitting in the First Circuit Court of Appeals Bench). Said firearms were used by corrupt policemen to commit common crimes.

United States District Judge Carmen Consuelo Vargas de Cerezo husband, by way of your petitioners intervention as counsel in the Senate Investigation was proved to have induced a government witness to commit perjury, said witness was the personal secretary of the governor; Judge Laffitte's daughter's father-in-law. Judge Cerezo's husband at the time

was a de facto aide to Governor Romero (Judge Laffitte's daughter's father-in-law).

Petitioner was called to testify before the senate investigative committee since he had been counsel (upon request from the same governor) for the police undercover agent who lured the two anti-American youths to the site of the massacre.

These three judges made the majority of the five Judge Panel. Judge Laffitte having been the member who wrote the disbarring opinion.

Petitioner had requested the recusal of Judge Laffitte and Judge Perez at least four times during the three year long disbarment proceedings. The proceedings were ripe for adjudication for nearly three years, not withstanding the fact that petitioner had filed several requests for speeding proceedings, as early as some ten (10) days after the "original" order to investigate petitioners ethical conduct — October 7, 1988. Some days after petitioner's testimony in televised senate (one million viewers) hearings, he was disbarred for life. Over three years after the commencement of the investigation "suddenly" after a three year proceedings, Local Rule 211 (ethical violation proceedings) became a "hate statute against petitioner".

The Court below disallowed this evidence, which were part of petitioner's point as basis for, bias and prejudice against him which precluded him to have a fair and impartial adjudication of his life disbarment proceedings on appeal and not to mention, at the District Court level.

Conclusion

If the Court below's decision is left to stand then, the law of the land, pertaining to all attorneys throughout the United States will be that, they are not "first class citizens" entitled to procedural due process in disciplinary actions. That would be the case law in the world's leading democracy of justice for all. Attorneys would not be entitled to all the safeguards that due process comprises. Notice of charges, the right to speedy proceedings, protection against exposure to limitless

actions for the same "offense", the right to confront his accusers, and last but not least his property right to earn a living through the exercise of his profession could be taken away for life without due process.

In short, based on the matters presented by petitioner as basis for bias and partiality, if the courts below decision totally ignored the requirement that the test for disqualification for partiality and bias is objective not subjective, under which test, the standard to be applied, is, whether a reasonable man with knowledge of all the facts would conclude that the judges impartiality might reasonably be questioned. *Gray* v. *University of Arkansas*, 888 F.2d 1393 (8th Cir. 1989).

Furthermore and not least, the decision below ignored that personal and extrajudicial bias given as motive for partiality are proper. *United States* v. *Kelley*, C.A. Mass. 1982, 712 F.2d 884. See Appendix p. A-50. This is an Appeals Court order dated October 14, 1988.

For the foregoing reasons, a writ of certiorari should be issued to review the judgement and opinion of the Court of Appeals for the First Circuit.

Respectfully submitted,

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APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 92-1756

IN RE: ANTENIO L. CORDOVA-GONZALEZ,
APPELLANT.

No. 92-8038

IN RE:
ANTONIO L. CORDOVA-GONZALEZ,
PETITIONER.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO
[Hon. Hector M. Laffitte, *U.S. District Judge]*

Before
Breyer, *Chief Judge*,
Selya and Cyr, *Circuit Judges*.

Antonio Cordova-Gonzalez on brief pro se.

June 30, 1993

Per Curiam. Antonio Cordova Gonzalez was disbarred by the United States District Court for the District of Puerto Rico. Cordova appealed that decision. This court ordered Cordova to show cause why we should not disbar him as well. The matters were consolidated. We now affirm the district court's order, and disbar Cordova from practice before this court.

I

Cordova does not seriously dispute the facts as found by Magistrate Arenas, the committee of lawyers appointed by Judge Laffitte, and the district court. We agree with the committee that, with respect to the first charge, involving the provision of bail on behalf of Cordova's client Irma Cruz Vazquez, Cordova may not "technically" have violated D.P.R. Local Rule 401.1(C)(3). The rule prohibits a lawyer from standing bail for his client, but in this case it appears that Cordova's wife actually posted the bond, and it was never conclusively determined that Cordova owned or had an interest in the property that his wife put up to secure Cruz' release. This technicality, however, does not absolve Cordova of all culpability in the matter: the committee found that Cordova's wife posted bail "under his auspices and with his express concurrence," and did so by pledging property that was subject to the jurisdiction of the United States Bankruptcy Court in bankruptcy proceedings that involved both Mr. and Mrs. Cordova. Cordova therefore connived at an effort to deceive the district court by obtaining Cruz's release through the pledge of property that was not the pledgor's to give, and thus violated ABA Model Rule 8.4(d) by engaging in conduct that is prejudicial to the administration of justice.[1]

With respect to the second charge, we agree with the district court that Cordova violated ABA Model Rule 1.8(a) when he borrowed $100,000 from his client Jose Lopez-Nieves. Rule 1.8(a) prohibits a lawyer from entering into a business transaction with a client unless, among other things, the terms of the transaction are fair and reasonable and "are fully disclosed and transmitted in writing to the client in a manner which can be reasonably understood by the client." Cordova borrowed money from Lopez-Nieves without disclosing to his client (a) that he did not own the property

[1] The American Bar Association Model Rules of Professional Conduct govern the conduct of lawyers who practice before the United States District Court in Puerto Rico. Local Rule 211.4(B).

pledged as collateral, (b) that his wife — who did own the collateral — and he were involved in bankruptcy proceedings, and (c) that the collateral was subject to the jurisdiction of the bankruptcy court, which had not approved the pledge.

As to the third charge, that Cordova filed pleadings containing vitriolic slurs on judges and lawyers that were "degrading to the law, the bar and the Court," we will not repeat Cordova's invective here. We do find the record adequate legally to support the district court's conclusion that the pleadings Cordova submitted "show an incessant incorporation of abusive and disrespectful language against judges and opposing counsel, replete with offensive and vituperative statements in contravention of Rules 3.5(c) and 8.4(d) of the Model Rules of Professional Conduct."

II

We review the district court's decision to disbar Cordova only for abuse of discretion, *In re Grievance Committee of United States District Court*, 847 F.2d 57, 61 (2d Cir. 1988); *In re Evans*, 801 F.2d 703, 706 (4th Cir. 1986); *In re Olkon*, 795 F.2d 1379, 1381 (8th Cir. 1986); *Standing Committee on Discipline* v. *Ross*, 735 F.2d 1168, 1172 (9th Cir. 1984), and we find none here. Cordova is a lawyer of some thirty years experience, and no stranger to disciplinary proceedings. *See In re Cordova Gonzalez*, 726 F.2d 16 (1st Cir. 1984); *In re Antonio Cordova Gonzalez*, 90 J.T.S. 28 (P.R. 1990). His dealings with his client Lopez-Nieves show a lack of consideration for the duty of trust between lawyer and client that finds expression in Model Rule 1.8(a). Standing alone, such a transgression would warrant significant punishment. *See, e.g., People* v. *Bennett*, 843 P.2d 1385, 1387 (Colo. 1993) (lawyer disbarred for borrowing from clients); *Lipson* v. *State Bar*, 810 P.2d 1007 (Cal. 1991) (lawyer suspended). Here Cordova's misconduct toward his client comes accompanied by his misconduct in the Cruz case and his verbal attacks upon opposing counsel and the court. Cordova had been warned

on at least two occasions, by two different courts, that further intemperate accusations would expose him to disciplinary action. He continued to make vitriolic and, as far as the record shows, unfounded personal assaults. Attorneys have on a number of occasions been disbarred for such conduct. *See, e.g., In re Evans*, 801 F.2d at 706; *In re Whiteside*, 386 F.2d 805 (2d Cir. 1967); *see generally*, ABA/BNA Lawyers' Manual on Professional Conduct at 101:609 and cases cited therein. We therefore conclude that, in this case, the punishment is not out of proportion to the offense.

III

We reject Cordova's claim that he was denied due process during the investigation and resolution of the charges against him. Although attorney discipline proceedings have been called "quasi-criminal," *In re Ruffalo*, 390 U.S. 544, 550 (1968), the due process rights of an attorney in a disciplinary proceeding "do not extend so far as to guarantee the full panoply of rights afforded to an accused in a criminal case." *Razatos* v. *Colorado Supreme Court*, 746 F.2d 1429, 1435 (10th Cir. 1984) (quoting *People* v. *Harfmann*, 638 P.2d 745, 747 (Col. 1981)). *See also Rosenthal* v. *Justices of Supreme Court*, 910 F.2d 561, 564 (9th Cir. 1990); *In re Daley*, 549 F.2d 469, 476 (7th Cir. 1977) and cases cited at footnote 6; *Fitzsimmons* v. *State Bar of California*, 667 P.2d 700, 703-4 (Cal. 1983). Rather, an attorney facing discipline "is entitled to procedural due process, including notice and an opportunity to be heard." *Rosenthal* v. *Justices of Supreme Court*, 910 F.2d at 564. *See also Lowe* v. *Scott*, 959 F.2d 323, 335 (1st Cir. 1992) (due process in proceeding to revoke physician's license requires notice of the charges and an opportunity to be heard). The record shows that Cordova received notice of the charges against him, and had an opportunity to respond to those charges, at every stage of the proceedings.

We also reject Cordova's claim that two of the district court judges who took part in the decision to disbar him should

have refrained from participation. At various times, Cordova filed six motions to disqualify Judges Laffitte or Perez-Gimenez.[2] However, his subjective impressions of bias or prejudice, no matter how vehemently expressed, find so little, and such weak, objective corroboration in the record that we see no reason to deem the judges' decision to take part in the disciplinary proceedings an abuse of discretion. *See Blizard v. Frechette*, 601 F.2d 1217, 1220-21 (1st Cir. 1979).

IV

Under Fed. R. App. P. 46(b), when "it is shown to [a court of appeals] that any member of its bar has been suspended or disbarred from practice in any other court of record . . ., the member will be subject to suspension or disbarment by the court [of appeals]." "[T]he record of prior disciplinary proceedings in district court are of substantial relevance in determining whether an attorney should be disbarred from practice before" a court of appeals. *In re Evans*, 834 F.2d 90, 91 (4th Cir. 1987). Cordova has neither disproved the charges against him, . . . nor explained, as Rule 46(b) requires, why we should not impose the same sanction as the district court. Cordova's misconduct in his dealings with his Lopez-Nieves and Cruz, and his flagrant, repeated disrespect for the tribunals before which he has practiced, warrant his disbarment.

The decision of the district court is *affirmed*. Cordova is *disbarred* from practice before this court.

[2] Several of the motions also sought the disqualification of Judge Fuste, who recused himself and did not sign the opinion that disbarred Cordova.

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 92-8038

IN RE:
ANTONIO L. CORDOVA-GONZALEZ,
PETITIONER.

ORDER OF THE COURT

ENTERED: JUNE 29, 1993

This matter having been submitted on a show cause order as to why Antonio Cordova-Gonzalez should not be immediately disbarred as an attorney of this Court,

IT IS ORDERED that Antonio Cordova-Gonzalez be, and hereby is immediately disbarred and his name is stricken from the roll of attorney of this Court is accordance with the opinion issued this date.

By the Court:

FRANCIS P. SCIGLIANO
Clerk

(Certified copy to Board of Bar of Overseers)
(Certified copy to District Court of Puerto Rico)
(Certified copy to Mr. Cordova Gonzalez)

APPENDIX C

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

Civil No. 91-1595

IN THE MATTER OF:
ANTONIO CORDOVA GONZALEZ.

OPINION AND ORDER

I.

BACKGROUND

Before the Judges[1] of this Court is the Court-appointed Committee's report recommending disciplinary action against respondent Antonio Cordova Gonzalez. These proceedings originated over the posting of properties as bail in criminal case No. 88-214 (HL), entitled *U.S. v. Irma Cruz Vazquez, Waleska Albarran Cruz, Mildred Albarran Cruz, and Miguel A. Rivera Torres.* Upon the allegations of misconduct against counsel Cordova Gonzalez by defendant Irma Cruz Vazquez and the Assistant United States Attorney, and following a hearing on the return of bond presided by Judge Laffitte, the following order ensued on October 14, 1988:

> Upon allegations of Irma Cruz Vazquez and the Assistant United States Attorney, as set forth in the transcript of hearing had on October 7, 1988 in Criminal case No. 88-214 attached hereto and made part hereof, and pursuant to Local Rule 211.5(A) for this District, the matter is referred to United States Magistrate Justo Arenas for investigation . . . (Doc. No. 1.)

[1] Chief Judge Gierbolini and Judge Fuste have recused themselves from this matter.

On April 13, 1989, the Magistrate filed a sealed "Investigative Report" (Doc. No. 15). The report only contained findings of fact related to counsel Cordova Gonzalez' legal representation in four cases, including the case of *U.S.* v. *Irma Cruz Vazquez*, Cr. 88-214 (HL) on the pledging of properties as bail for the defendants. No recommendations were made.

Meanwhile, as a result of two motions filed by counsel Cordova Gonzalez on July 23, 1990 in Criminal No. 86-419 (PG) and on July 24, 1990 in Criminal No. 87-29 (JAF), the Court, on August 31, 1990, appointed a Committee pursuant to Local Rule 211. The August 31, 1990 order reads in its pertinent part:

> Given the pleadings filed by attorney Antonio Cordova Gonzalez in criminal cases numbers 86-419 (PG) and 87-29 (JAF) on July 23 and 24, 1990 respectively, and the Court having ordered the consolidation of said motions as requested by attorney Cordova Gonzalez, as it pertains to his professional conduct, the Court finds that initiation of disciplinary proceedings are warranted to determine whether attorney Antonio Cordova Gonzalez' professional conduct merits disbarment or other disciplinary action, if any. (Doc. No. 20.)

The Court appointed attorneys Rafael Perez Bachs, Roberto Buso Aboy, and Rafael Ortiz Carrion as Committee members. Thereafter, upon Respondent Cordova Gonzalez' request, the Court issued a specification of charges. *See* Order of October 10, 1990, Doc. No. 26. The first charge alluded to the posting of bail in Cr. 88-214 (HL) secured by two properties owned by counsel Cordova Gonzalez' wife while said properties were subject to Chapter XI Bankruptcy proceedings and on behalf of a criminal defendant being represented by respondent. The second charge of misconduct concerned respondent Cordova Gonzalez' loan from a criminal defendant he represented in Criminal No. 87-0029 (JAF). The third charge related to the use of vitriolic and disrespectful language in pleadings filed with the Court in Criminal cases 86-419 (PG) and 87-0029 (JAF).

On December 4, 1990, a hearing in the nature of a preliminary conference was held before the Committee. Respondent was granted until January 25, 1991 to file an answer to the Court's October 10, 1990 order specifying the charges against respondent. At respondent's request the date to reply to the charges was extended until March 11, 1991. At respondent's renewed request, the date was again enlarged until March 17, 1991. On April 23, 1991, respondent filed a 50-page "Memorandum of Fact and Law . . ." before the Committee together with a voluminous appendix containing 24 exhibits in response to the disciplinary charges. Whereupon, the Committee scheduled a final hearing which was held on May 16, 1991. A court reporter was present to record the proceedings. Doc. No. 63. The Committee filed a sealed Report and Recommendation on September 12, 1991, Doc. No. 61, recommending that respondent be suspended for a period of one year. The Committee further recommended that as a condition precedent for reinstatement to the bar, respondent (a) take and pass a course on professional responsibility at one of the three law schools in Puerto Rico, and (b) take and pass that part of the Federal Bar Examination dealing with the Local Rules of this Court.

On the basis of the evidentiary hearing held on May 16, 1991 and the Committee's Report and Recommendation thereon, the Court entered the following order on September 19, 1991:

> It appearing that on September 13, 1991 respondent Antonio Cordova Gonzalez was notified with copy of the Report and Recommendation of the Special Committee filed on September 12, 1991, respondent is hereby granted up and until October 4, 1991 to show cause, if any, as to why disciplinary action should not be taken.

After seeking and obtaining an extension respondent filed his response to the order to show cause on November 20, 1991.[2]

[2] Respondent's request for discovery in preparation to show cause and for further extension were ruled on by the Court by orders filed on October 21 (Doc. No. 75), November 5 (Doc. No. 83), and March 13, (Doc. No.

II.

THE CHARGES OF MISCONDUCT

A.

The first charge of unprofessional conduct reads:

> The posting of bail for all defendants in Cr. No. 88-214 (HL) in the form of two properties owned by respondent's wife while said properties were subject to Chapter XI Bankruptcy proceedings. Model Rules of Professional Conduct 1.8(e) and 8.4; Local Rules 401.1(C)(3) of the United States District Court for the District of Puerto Rico.[3]

The Court has carefully examined and canvassed all the evidence in the record. It is undisputed that bail for all defendants in Cr. 88-214 (HL) was posted by respondent's wife, Mercedes Rivera Martinez, secured by real estate under the domain and jurisdiction of the Bankruptcy Court, case No. B-85-01416, filed as a Chapter 11 proceeding on October 7, 1985 by respondent Cordova Gonzalez and his wife as debtors. The properties securing bail for the defendants in Cr. No. 88-214 had been previously given as collateral for secured creditors in the Bankruptcy Court. Both properties are owned individually (privativamente) by respondent's wife.[4]

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87) respectively. "Disbarment proceedings are not governed by the Federal Rules of Civil Procedure because the rules only govern actions of a civil nature and contemplate adversary proceedings; a disbarment proceeding is neither a civil action nor an adversary proceeding." Wright & Miller, *Federal Practice and Procedure*, Civil 2d § 1019 at 75.

[3] The Model Rules of Professional Conduct of the ABA govern the conduct of attorneys admitted to practice before this Court, pursuant to Local Rule 211.4(B). *Culebras Enterprise Corp.* v. *Rivera-Rios*, 846 F.2d 94 (1st Cir. 1988).

[4] An examination of the judgment in Civil 71-461, Superior Court, Bayamon Part, on the liquidation of the estate of Mrs. Cordova's parents shows unequivocally that property No. 18,346 located at Veve Street in Bayamon was adjudicated in sole ownership to Mercedes E. Rivera Martinez, respondent's wife. *See* Exh. 57 of Magistrate Arenas' investigation in Misc. 88-118.

Local Rule 401.1(C)(3)[5] explicitly bars a lawyer representing any defendant in the case from posting bail. The Committee concluded that technically there has been no violation of the Local Rule and Model Rules of Professional Conduct 8.4, since "it was not the lawyer, attorney Antonio Cordova Gonzalez who posted the bail in question; it was only his wife and then only with her personal properties." Committee's report, p. 6. The Committee further concluded that from the bankruptcy aspect of the case the posting of the bail was a post petition transaction rendered void by §549(a) of the Bankruptcy Code. The Committee, however, found that the posting of the bail secured by respondent's wife properties in bankruptcy was done under respondent's auspices and concurrence. The Committee concluded that the matter may have been prejudicial to the proper administration of the bankruptcy case.

A careful and closer examination of the evidence and the circumstances under which the properties were offered as security to bail the defendants lead us to conclude that respondent contravened Local Rule 401.1(C)(3) and Model Rule of Professional Conduct 8.4.[6] We explicate.

Respondent Cordova Gonzalez assumed the legal representation of defendants on June 23, 1988, upon filing a notice of appearance in Cr. 88-214 (HL) on behalf of all defendants.

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[5] Local Rule 401.1(C) states that bond in criminal cases shall be secured "[b]y an individual person who meets the following requirements:

. . .

.1(C)(3). Shall not be a lawyer representing any defendant in the case, administrative officer or employee of this Court, the United States Marshal, or his deputy or assistant."

[6] Rule 8.4 provides in its pertinent part:

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so or do so through the acts of another:

(b) . . .

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation:

(d) engage in conduct that is prejudicial to the administration of justice.

The properties were submitted as security bail next day, June 24. Thereafter, the issue of pledging real property of the estate to secure bail for defendants was brought to the attention of Magistrate Castellanos, who had been assigned to handle the pretrial proceedings. On July 12, 1988, respondent's wife filed pro se a "Motion Requesting Withdrawal as Bondsperson, Request Cancellation of bonds." The motion is typed on similar paper and typewriter as the one used by respondent in his pleadings in Cr. 88-214 (HL).[7] Aware of the predicament being confronted, paragraph four asserts:

> 4. After posting the bond on behalf of all defendants, *it happens*, that, a possible conflict may have arisen, *since thereafter her husband, Antonio Cordova Gonzalez, Esq., was retained* as counsel for one of the *codefendants*. (Emphasis supplied.)[8]

It is readily apparent that the aforesaid asseveration is lacking in truth and in fact, since respondent Cordova Gonzalez was retained *prior* to the pledging of the properties as bail. Furthermore, the two documents signed by respondent's wife entitled "Justification of Sureties," list her "office" telephone number "725-3776." This telephone number is respondent's law office telephone number. *See* Exh. 48 and 49. The record further shows that at the October 8, 1988 hearing on the return of bond before Judge Laffitte the following transpired:

> Defendant Cruz: When I had this problem, I didn't know anything, and I knew nothing about Federal Court. And one person recommended counsel Cordova for me, I don't know. *And he himself got me the person who is going to post my bond* . . . (Tr. p. 8, Doc. No. 1.)

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[7] Compare Mrs. Cordova's motion of July 12, 1988 (Exh. 59) with Respondent's Informative Motion filed on August 10, 1988 (Exh. 61). Further, respondent participated in the drafting of the motion. He stated at his hearing of May 16, 1991:

> I did not move for the withdrawal of the properties. I counseled my wife that . . . the U.S. Attorney had motioned in the case to the fact that there was a conflict of interest.

Docket #63, p. 11.

[8] The motion was granted by Magistrate Castellanos on the same date.

The conclusion is inescapable that respondent was well aware at all times that property subject to bankruptcy proceedings in which he was a party debtor was used to secure bail on behalf of criminal defendants represented by respondent himself.[9] The posting of bail under these circumstances was an act clearly in contravention of Section 549(a) of the Bankruptcy Code, rendering the bail void. By concealing this vital information from the Court until it was brought to the Magistrate's attention by the Assistant U.S. Attorney, respondent deceived the Court and all the defendants were released under a non-valid bail, until a subsequent legally effective bond was posted. And because respondent was privy to his wife's pledging of the properties — as recommended to defendant Irma Cruz by respondent himself — Local Rule 401.1(C)(3) was indeed transgressed. When a lawyer acts as surety or bondsperson for a client a conflict of interest fraught with many ramifications is created. The client may reasonably feel her liberty is at the mercy of her lawyer and this alone may lend itself to abuse. This is such a case. In an "Informative Motion" filed by respondent with Magistrate Castellanos dated August 9, 1988, respondent Cordova Gonzalez states:

> Attorney Cordova after giving further consideration to possible conflicts, requested from his wife, after advising the defendants the reasons, to withdraw as bondsperson.
>
> We came to the conclusion that we didn't represent her best interest, still she could be compelled not of [sic] tell us, being afraid her bond would be withdrawn . . . (Exh. 61, p. 2.)

Model Rule of Professional Conduct 8.4(c) provides that it constitutes professional misconduct for a lawyer to engage in conduct involving, inter alia, deceit or misrepresentation. Respondent Cordova, through his wife, misrepresented to the

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[9] At page 10 of the transcript of the final hearing before the Committee held on May 16, 1991 respondent states: ". . . but I want to make clear that I knew she was going to put the property and that she was going to post the property in an interim basis; that she was not going to charge for it . . ."

Court that a valid bail was posted on behalf of his clients. Respondent further deceived the Court and his clients by concealing the fact that the properties pledged as security for defendants' bail were under the aegis of the Bankruptcy Court. It was not until the matter was brought to the Court's attention by the government's attorneys that respondent pleaded *mea culpa*.[10]

> Rule 8.4(a) makes clear that a lawyer may not escape liability by instructing another, such as a lay assistant who is not subject to the law of lawyering, to act in his stead. *The Law of Lawyering*, 2d ed., Vol. 2, §8.4:201, p. 953.

In conclusion, the Court finds respondent Cordova Gonzalez in violation of Model Rule 8.4(c) and Local Rule 401.1(C)(3). It thus follows that in violating Model Rule 8.4(c) and Local Rule 401.1(C)(3) respondent also violated Model Rule 8.4(d) by engaging in conduct that is prejudicial to the administration of justice.[11]

B.

The second charge of unprofessional conduct charges respondent with:

> Obtaining a $100,000 loan from a criminal defendant represented by respondent in Cr. No. 87-0029. Model Rules of Professional Conduct 1.8(a) and 8.4.

Respondent concedes that on May 6, 1987 he borrowed $100,000 from his client Jose Lopez Nieves, while he represented him in various drug-related cases. As security for this loan respondent executed a promissory note, duly nota-

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[11] It has been suggested that Rule 8.4(d) overlaps with a large number of other rules and appears to be redundant. *See The Law of Lawyering*, 2d ed., Vol. 2 §8.4:501, p. 957.

[12] Mr. Cordova: "But the note was — I knew that afterwards because I researched the point after I had — after the — the — of course that the note was long before, but the note was null and void inasmuch I didn't have the approval of the Bankruptcy Court."
Hearing before Committee on May 16, 1991, tr. p. 19, Doc. No. 63.

rized, and assigning real property as collateral for the payment of the loan. At the time of this loan his client was incarcerated, the property assigned as security for the loan did not belong to him, but to his wife, and the property was within the jurisdiction of the Bankruptcy Court as part of the bankrupt estate. Respondent was a party to the bankruptcy proceedings as debtor.

It is hornbook law under Puerto Rico Civil Code, 31 L.P.R.A. sec. 5001, that title to the pledged property is essential for the validity of a mortgage guarantee. The Court fully endorses the Committee's finding that respondent could not possibly pledge a property which was solely owned by his wife and subject to the Bankruptcy Court's domain.[12] This transaction between respondent and his client proved to be a prescription for disputes and disagreements between the parties. At present respondent claims that he satisfied the loan with professional services rendered and that his client gave him a receipt therefor, while his client insists that the debt is outstanding.

> The parties still disagree on whether the loan is outstanding, on what were the terms of payment, and on whether Cordova-Gonzalez could pay back the loan with professional services. It is not clear whether the $100,000 loan disbursement was made independent of the $100,000-plus fee legal services. *U.S.* v. *Lopez Nieves*, 917 F.2d 645, 648 (1st Cir. 1990).

Because the pertinent facts concerning this second charge are not in dispute, we quote from the Committee's report:

> "This Committee finds no evidence that Mr. Lopez Nieves was given a reasonable opportunity to seek the advice of independent counsel in regard to the loan transaction. Again, we stress the fact that Mr. Cordova-Gonzalez was simultaneously acting as counsel for Mr. Lopez in certain criminal cases filed against the latter.
>
> There was no clear, unequivocal consent in writing issued by Mr. Lopez-Nieves indicating his true intention. There was no written agreement to the effect that the

agreed legal fee payable to Mr. Cordova-Gonzalez was a separate transaction, independent from that of the loan granted by Mr. Lopez to Mr. Cordova-Gonzalez. *Jose Valentin Lopez Nieves* v. *United States*, Civil No. 88-2116 (JAF), Opinion and Order, September 12, 1988, at page 12; *Jose Valentin Lopez Nieves* v. *United States*, (Opinion and Order, October 29, 1990, U.S. Court of Appeals, 1st Cir., No. 89-1905, pp. 7 and 8).

On this issue, this Committee finds that attorney Cordova-Gonzalez violated his oath and duties as an attorney.

It is undisputed that an attorney acts in a fiduciary capacity when his client's interests are involved. As such, all transactions and dealings between attorney and client which happen to benefit the attorney must be closely scrutinized.

Attorney Cordova's economic interest became entangled with his role as counsel for Mr. Lopez's defense in several pending criminal actions. It is thus reasonable to conclude that an independent counsel's opinion on the validity of the guarantee pledged in support of the loan transaction could adversely affect Mr. Cordova's personal stake as Mr. Lopez's debtor. In failing to advise or direct Mr. Lopez to resort to independent counsel for the loan transaction, Mr. Cordova breached his duties as a fiduciary and acted in clear contravention of Rule 1.8 of the 'Model Rules of Professional Conduct.' This rule provides as follows:

> (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:
>
> (1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable and transmitted in writing to the client in a manner which can be reasonably understood by the client,

(2) the client is given a reasonable opportunity to seek advice of independent counsel in the transaction; and

(3) the client consents in writing thereto."

Respondent responds to this charge by asserting that the property is no longer in bankruptcy, is still owned by his wife and has sufficient equity for the loan. In an attempt to show that his client and creditor needed no legal advice, respondent unabashedly asserts: "Also, that Mr. Lopez Nieves . . . besides being a well known drug zar [sic] . . . is a millionaire with holdings in real estate, gas stations, cockfighting rings, body repair shops . . . industrial air conditioning manufacturing . . . is a loan shark."[13] The following statement made by respondent at the May 16, 1991 hearing is revealing:

> Mr. Cordova: So therefore I knowing the law, I being an attorney, I having represented Johnny, his father and his mistress in seizures where the Government alleges that all the monies that Johnny has are drug-related monies, if I would have owed money to Johnny and given him, I would have rather deposited that in Court, make consignment, because if — if the FBI would have known it — and you don't . . . you never know what a criminal defendant is going to do when the FBI goes to his cell and promises him a reduction of sentence, especially when I've had the U.S. Attorney of this district ten years on my back; and in order to pin me down, I couldn't say that he would go and say, Johnny, I'm going to talk to the Judge and drop ten years if you tell me that Mr. Cordova paid you back with money.
>
> If I would have done that, I would have been violating Title 28, Section 881, because I would receiving money knowing that that money was drug proceeds and that it did not belong to Johnny, it did belong to the United States under the related back drug. These are all the

[13] *See* Respondent's Memorandum of Facts and Law, p. 12.

things that you have to have in mind when you deal with this type of persons in order to maintain yourself.

Mr. Ortiz: Okay. I understand that but what difference is the — is the taking the money from Johnny when he has been accused and his property has been taken, embargoed by the Federal Government, from paying him the money? You say that he cannot pay the money to you but you can take it from you [sic]?

Mr. Cordova: Yeah, yeah.

Mr. Ortiz: OK.

Mr. Cordova: I can take it from him and use it on my behalf. Okay? If it would have been a crime, you can be sure, sir, that the U.S. Attorney would have already charged me. Okay? I can take loans alleging that that money belonged to Johnny's dealings with the cockfighting rinks [sic] with the shark loan activity, with the gasoline station activity, etcetera, etcetera. *But deep in my heart I knew that everything Johnny had come out of drugs*, and under 881, Title 28, if you do know that, okay . . . it's the same thing applies to the banks. Okay? If banks knowing . . . that's where the whole thing of laundering drug money comes under 88 [sic]. Okay? If you take money and you repay money to a drug peddler, knowing that the money comes from drugs, you are committing a crime. Okay? . . .

May 16, 1991 hearing, tr. pp. 75-78 (emphasis added).[14]

Under the factual circumstances, the Court fully agrees with the Committee's conclusions that respondent Cordova Gonzalez flagrantly violated Rules 1.8(a) and 8.4(c) of the Model Rules of Professional Conduct.

[14] While the Court makes no finding as to whether or not respondent Cordova paid the $100,000 to his client in professional services rendered, whether or not it is still outstanding as claimed by his client, — a matter that should be dilucidated elsewhere — the promissoy note transaction, allegedly paid through services rendered, suggests an attempt to avoid forfeiture of the $100,000 loan from drugs proceeds.

> The law looks with great disfavor upon an attorney who has business dealings with his client which results in gain to the attorney at the expense of the client. "The attorney is not permitted by law to take any advantage of his client. The principles holding the attorney to a conspicuous degree of faithfulness and forbidding him to take personal advantage of his client are thoroughly established." [citations omitted] When an attorney bargains with his client in a business transaction in a manner which is advantageous to himself, and if that transaction is later called into question, the Court will subject it to close scrutiny. In such a case, the attorney has the burden of showing that the transaction "was in all respects fairly and equitably conducted; that he fully and faithfully discharged all his duties to his client, not only by refraining from any misrepresentation or concealment of any material fact, but by active diligence to see that his client was fully informed of the nature and effect of the transaction proposed and of his own rights and interests in the subject matter involved, and by seeing to it that his client either has independent advice in the matter or else receives from the attorney such advice as the latter would have been expected to give had the transaction been one between his client and a stranger." (Citation omitted)

Pirsig & Kirwin, *Professional Responsibility* at 148 (4th ed. 1984) (citing *Goldman* v. *Kane*, 3 Mass. App. Ct. 336, 329 N.E. 2d 720 (1975)).

A client should be able to trust that his attorney not enter into an unlawful agreement with him. In this case respondent, by obtaining a loan from Lopez-Nieves, violated this trust. Thus, had Lopez Nieves consulted respondent about a loan to a third person, advice as to the validity of the collateral would likely have been given with maximum protection to the client. At the time of the transaction the relationship of attorney and client existed between respondent Cordova Gonzalez and Lopez Nieves, and respondent breached his fiduciary obligation to Lopez Nieves by taking unfair advan-

tage of him. This is a serious charge of a lawyer concealing from and deceiving his own client, who was incarcerated at the time, by taking a $100,000 loan on property not belonging to him and under the jurisdiction of the Bankruptcy Court. Respondent's conduct can only be characterized as egregious.

C.

In the third charge, respondent is charged with:

> Filing of pleadings in Cr. cases 86-419 (PG) and 87-0029 (JAF), containing vitriolic and disrespectful language which is allegedly abusive and degrading to the law, the bar and the Court. Model Rules of Professional Conduct 3.5(c) and 8.4.

Respondent's style of pleading is best described by himself:

> [a]fter over me [sic] quarter of a century, I've learned to *write* and *speak* "those criminal slang." That practice earns me a living.
>
> * * *
>
> "That's my style," yes saying things as they appear to be and by their color . . .

See Motion filed on July 23, 1990 in consolidated cases No. 87-29 (JAF) and No. 86-419 (PG), pp. 5-6 (emphasis in original). In this motion seeking to recuse Judge Fuste and Perez Gimenez, respondent incorporates unsubstantiated allegations regarding Judge Fuste's personal life.

On July 30, 1990, in Crim. case No. 87-0029 the Court replied:

> The conduct of Antonio Cordova-Gonzalez is indeed unfortunate. We note that on the subject of sanctions and admonishments, he is not a neophyte. District Court Judge Carmen Consuelo Cerezo and the circuit court had to take a hard stand on Cordova in 1984. *See In re Antonio Cordova-Gonzalez*, 726 F.2d 16 (1st Cir. 1984). There is pending before this court a complaint seeking his disbarment. *In re Antonio Cordova-Gonzalez*, Misc. No. 88-188 (HL). Recently, the Supreme Court of Puerto

> Rico admonished the attorney about his offensive style and improper conduct. *See In re Antonio Cordova-Gonzalez*, ____ D.P.R. ____, 90 J.T.S. 28 (1990). In clear violation of the good-faith admonishment given recently by the Supreme Court of Puerto Rico, Cordova-Gonzalez has continued his use of offensive language against opposing counsel and judges.

See Special Appearance filed July 18, 1990, Docket No. 85, and Motion to Disqualify Judges Perez-Gimenez and Fuste, filed July 23, 1990, Docket No. 86.

Undaunted, on August 24, 1990 in a consolidated motion in cases Cr. 87-29 (JAF) and Cr. 86-419 (PG), respondent continued his systematic use of abusive language:

> An irk (sic), errated, (sic) adamant, most injudicious Judge Fuste, standing and actually walking back and forth in back of benches, did start or led *all* interrogation. *Id.*
>
> . . . My experience dictated to me that Judge Fuste was so *mentally discomposed*, that if I would "open my mouth" he would had (sic) ordered my immediate incarceration. *Id.*
>
> At the outset, we must respectfully submit that Hon. Judge Fuste, was *appointed by the President of the United States, NOT "touched by God." HE MUST BE RESPECTED*, but must also have at all time (sic) respect *for all* — including Antonio Cordova. Page 7.
>
> Judge Fuste has completely erred or misinterpreted the *real functions* of the "Robe." *It's black*, but that does not mean that he who wears it, becomes a *Batman*. He becomes a symbol of dignified justice. Pages 7-8.
>
> . . . the Hon. Judge Fuste (sic) unbecoming behavior — in his *personal* (family, personal, privatewise (sic), as well as his judicial unfit conduct, has become so or came about with his appointment, and his "investiture" with the powers of his judgeship. Page 8.
>
> Misrepresentation and ill presumption of Judge Fuste of the true facts, and also a bias (sic), thwarted reading

of my true and honest annotations in *letters written* to the client and his family. Page 11.

To start with, because Judge Fuste's upbringing and elite type mentality, he definitely does not understand the situational facts and circumstances of claimant' livelihood. If Lopez-Nieves — instead of being a *"vulgar drug peddler"* from Cucharilla Ward in Catano, would have been a white collar executive, vice president of *any* prestigious lending institution, living in the Caparra, Condado or Garden Hills sectors, Members of the Caparra, the Bankers Club or AFDA Clubs, Hon. Judge Fuste's amazing sensationalism would not have been so great as to the fact that a "client" can lend his attorney monies — if it conforms with the ethics. Page 12.

Most unjudiciously (sic) and in violation of our due process of law and right to be confronted with the evidence against us, Hon. Judge Fuste most *erratically* took *judicial notice* of fact (sic) (Records of Bayamon Registry) which was not required from him by the parties, furthermore based on false of incomplete information he concludes most *erroneously* that the property given by us as collateral did not belong to me, and that my wife did'nt (sic) consent to the obligation therefore it was null and void. My only explanation for such conclusion, is that most respectfully your Honor is lip shooting. Pages 14-15.

Judge Fuste's actions are so unbecoming and unjudicious, from the standpoint of a federal judge, in that he makes determinations of fact and law against me, without *any* evidence before him, no one having asked for, takes judicial notice, etc. etc. His dereliction of his most responsible duties, demonstrates that Hon. Judge Fuste expressly failed to (even) look into the Pre-Sentence report afforded him upon sentencing Lopez-Nieves. From there His Honor had previous knowledge of Johnny's past as I have described him. Furthermore, we submit he failed *purposely* to look into said pre-sentence report, since that would have precluded him from

making such *erratic* and *irresponsible* determination as "a criminal defendant whose only known lifehood (sic) is drug trafficking." Said Pre-sentence report revealed that Lopez was part of sophisticated drug related rings and, furthermore, a "gun for hire magnate". Pages 15-16.

. . . Hon. Judges Fuste and Perez-Gimenez bias (sic) opinion about us. *Id.*

. . . I also pray for pardon and excuse for my sometimes *harsh* language. I recognize it not to be the best rule. Page 17.

For the last eight years I have been persecuted over and beyond reasonability by the U.S. Attorney for this District and his Assistant, Mr. Quiles, they have not been able to even "*fabricate*" a case against me precisely, because of *my moral, ethical,* and *law abiding way of life* — even after going through a bankruptcy and treasury lengthy investigation. Page 20.

My opposition to Quiles is "his lack of judgement" for this gentleman *all* criminal lawyers are a "bunch of crooks." *Id.*

As to Mr. Lopez Romo, I have more than one reason, but mainly, his *opportunistic* behavior — he posed as a Republican, *only* to secure his appointment. *Id.*

To the contrary, Hon. Judge Fuste, for reasons he *knows* and *I know*, and which are his *motives* of irkness (sic) and bias towards me, decides to go into an unfounded, unwarranted difamation (sic) spree. His aim is by all means to discredit my veracity without having in mind that the real basis of his anger and persecution against me does not depend on *my credibility*. They depend on *his Honor's own* deeds and human weakness. Page 23.

. . . Judge Fuste's branding as "lip shooting" with bias and premeditated purpose. *Id.*

2. To *presume* about me — "influence peddler" as Hon. Judge Fuste did, is most demonstrative of Judge

Fuste's lack of knowledge, of "past history" of this Court. Page 26.

Those were the days when judges lived a *pristine life* on and off the bench — with no scrimage (sic) in between. Page 27.

With utmost respect, in this line of expression Hon. Judge Fuste and Hon. Perez Gimenez are consonant with "two" of our "leaders of statehood". Hon. Judge Fuste, with his "rabietas" resembles Carlos Romero Barcelo. Hon. Judge Perez-Gimenez resembles Baltasar Corrada in his naiveness and short sightness (sic). Page 29.

. . . based on Judge Fuste's thwarted conclusions, I now would not be amazed if he amends his July 30th Order, to conclude that the $100,000.00 "was a make-believe (sic) loan which *may be interpreted*, that the proceeds of said loan were to *pay off* the judges for their access." Page 30.

This "acces (sic) to the judges" statement comes from two sources — both unreliable, we submit. First, from the morbid allegation of an attorney who has proven she will *do* or *say* anything *for hire*, Mrs. Lizarribar. She filed charges against a member of the Senate *knowing* the statute of limitations had long elapsed — she was paid to stage that political circus. *Id.*

. . . Even though not the best practice, I have herein put the facts in the right perspective I defended from your *erratic* imputations. Page 38.

As you did to *me*, *now* I will *charge* you. Most Hon. Judge Fuste, based on credible testimony, and, information which testimony has in the past revealed to be trustworthy, *I have determined probable cause against you.* Pages 38-39.

In view of said probable cause, I don't find you fit, judiciously nor morally, to judge my ethical or "morals." Page 39.

I challenge you to look deep inside your conscience, then look at your most respectful former wife and your

dear children and "your human weakness," even while being a member of the Honorable Court! If you find yourself free of guilt, then, and only then, will you be able to call me, *irresponsible!;* then, and only then, will you be able to call me *unethical* and *erratic*. *Id.*

Judge Fuste, if you would have a centilla (sic) of respect for your "ministry" you have resigned — after your divorce! *Id.*

. . . I grant myself sua sponte the right to tell you, that your *deeds* after being appointed are a *disgrace* to that Honorable Bench and to your most Honorable Dignified Fellow Judges. *Id.*

Most Honor (sic) Judges, Clemente Ruiz Nazario and B. Fernandez Badillo's bones would rattle if they, sitting on the *Eternal Bench*, have become acquainted with Judge Fuste's deeds on and off the bench. Page 40.

MOST RESPECTFULLY SUBMITTED, SUBJECT TO PERJURY AND DISBARMENT. *Id.*

(Capital letters and emphasis in original).

Respondent had already asked for the disqualification of Judges Perez Gimenez and Fuste in his motion filed July 23, 1990 in both Criminal No. 87-29 and 86-419. Thereafter he asked for the disqualification of Judges Perez Gimenez, Fuste and Laffitte. Respondent's "Second Respectfull (sic) Request Praying for the Disqualification of Hon. Judges H. Laffitte, Jr. Perez-Gimenez and J. Fuste" he expresses among other things the following, without presenting any evidence to support the statements:

1. Regarding J. Laffitte:

"Hon. Judge Laffitte, I charge you of *trying to ruin my reputation* knowingly. You had the benefit (then), of having the Governor as your daughter's Father-in-Law, and having your 'life mecenas' and, client Luis A. Ferre (Puerto Rico's Mr. Republican) on your side, who because of 'their political contacts,' maneuvered, couched and sponsored your 'moral bill of health' through an F.B.I. investigation to appoint you to the

most Honorable position you now hold. Will I have that same chance? Certainly not!"

2. Regarding J. Fuste, he states among other things:

"Furthermore, for reasons I believe *true*, I don't believe Hon. Judge Fuste is morally fit to be a U.S. District Judge, because of his personal actions and extramarital activities which led to his divorce."

3. Finally, when referring to Judge Perez Gimenez:

"This Hon. member of our federal bench, Chief Judge, *without cause* and most falsely unbecoming, did tell a most humble fisherman (lives near our beach houses — Judge and I in La Parguera), who performs ocassional (sic) work for us (at Lajas), to watch out, since I was a 'mala paga'; under Bankruptcy proceedings and didn't have money to pay for their work. I wrote Judge Perez, requesting I be heard and discuss the matter, he *never* afforded me the opportunity to know why he so acted."

Docket No. 59.

Respondent's "Third Motion for Disqualification as to Hon. Judge Hector Laffitte, under 28 U.S.C.A. 144" filed on July 19, 1991, states the following:

Your Honors might be able to disbar me illegally, or based on some technicallity, (sic) you'll never make me be disrespectful, or a liar, nor kneel before you, as most do. My time to do that has long elapsed.

He [Judge Fuste] despotically, physically committed an act of aggresion (sic) on our person; action which we submit he would *never have dared* to so act outside the Hon. Court Room (sic) without the obnibus (sic) protection of the Robe. Of course, we have blamed such action to the mental instability Hon. Judge Fuste has developed since his divorce.

2. Now, as against Hon. Judge Laffitte, we further charge him with *gross* bias and unbecoming conduct in the performance of his duties, while acting *administratively*, pursuant to Local Rule 211, in furtherance of his urge to disbar us . . .

Docket No. 60.

Respondent's persistent attacks and personal accusations against members of the Court, as well as his habitual utilization of intemperate language, was called to his attention in the Court's denial of his motions to disqualify Judges Perez Gimenez, Laffitte & Fuste:

> It must be stressed again, that respondent persists in bringing personal matters unrelated to the issues presented herein. We simply note that a party cannot force disqualification by attacking the judges and then imply that these attacks must have caused the judges to be biased against him. While respondent's pleadings show that he has lost his objectivity toward the judge, "[i]t does not show a comparable loss of impartiality on [the] Judge's part." *U.S.* v. *Olander*, 584 F.2d 876, 888 (9th Cir. 1978). Consequently, the Court declines respondent's invitation to wholesale disqualification. The statutes governing disqualification do not vest a litigant with veto power in order that he may choose a judge who meets with his approval.

See Order filed May 20, 1991, p. 4 (Doc. No. 57). The Court notes that respondent had previously moved to disqualify the entire United States Attorney's Office. Again, disrespectful allegations and personal accusations characterized the pleadings. The Court, in denying respondent's motion stated:

> In an "Informative Motion" dated August 9 and filed on August 10, 1988, counsel Cordova Gonzalez fired a barrage of personal attacks addressed at the top hierarchy of the United States Attorney's Office in this District. In stark contrast to counsel's vitriolic allegations, the Government, quite properly, moves to strike the motion from the record.
>
> In reply to the government's motion, counsel Cordova-Gonzalez moved for leave to delete the "Informative Motion" and in doing so, apologized to the United States

Attorney and to the U.S. Attorney in charge of the Criminal Division.

There is no place for disrespectful, impertinent, and personal accusations in the course of any criminal or civil proceedings. Pleadings are designed to address legal and factual issues relevant to the controversies, and should never be used as a vehicle to abuse opposing counsel. Such conduct normally reflects and ricochets upon the user, not on the addressee of the improprieties, and detracts from the level of professionalism and civility that the bench, bar and the public are entitled to expect from practicing attorneys.

The Court has stopped short from initiating disciplinary action in this matter because counsel Cordova-Gonzalez, realizing the seriousness of his impetuous and injudicious action, has apologized, on the record, to both Messrs. Lopez Romo and Quiles, the main targets of his ill-advised remarks. Having shown remorse and having candidly accepted his grave mistake, corrective action has been self-executed.

Counsel Cordova-Gonzalez is put on notice that henceforth he is to avoid losing his emotional and professional compass in his practice before this Court.

For the sake of brevity, suffice it to say that Respondent's pleadings show an incessant incorporation of abusive and disrespectful language against judges and opposing counsel, replete with offensive and vituperative statements in contravention of Rules 3.5(c)[15] and 8.4(d) of the Model Rules of Professional Conduct. *See ABA/BNA Lawyers' Manual on Professional Conduct*, 61:901-903 and cases cited therein.

[15] Rule 3.5 reads in pertinent part:

Impartiality and Decorum of the Tribunal

A lawyer shall not:

(c) Engage in conduct intended to disrupt a tribunal.

III.

RESPONDENT'S RESPONSE

Respondent, in showing cause why disciplinary action should not be taken against him, raises various defenses. As to Charge I, posting of bail with properties belonging to his wife while said properties were subject to bankruptcy proceedings, respondent asserts that the Committee found that technically there has been no violation. The Court has ruled otherwise and has found that respondent did violate Local Rule 401.1(C)(3) and Model Rules of Professional Conduct 1.8(e), 8.4(c), and 8.4(d). See pages 5-9, *ante*.

As to Charge II, obtaining a $100,000 loan from a criminal defendant, respondent claim that this charge should be dismissed because Judge Fuste had previously found him in violation of ethical standards. A perusal of both Judge Fuste's order of July 31, 1990, see pages 15-16, *ante*, and the Court of Appeal's opinion in *U.S.* v. *Lopez Nieves*, 917 F.2d 645, 648 (1st Cir. 1990), shows that while there is concern for respondent's professional conduct, there was no adjudication of respondent's professional conduct, since no charges were pending against him in these proceedings.

Further, respondent continues to distort the record by insisting that he has been twice submitted to disciplinary proceedings, since Magistrate Arenas exonerated him on the investigation ordered by Judge Laffitte. This matter has been fully discussed and ruled upon by the Court. We quote from a previous order:

> This Court appointed Magistrate Arenas to conduct an investigation into allegations of misconduct against counsel Cordova Gonzalez brought by defendant Irma Cruz Vazquez in Criminal case No. 88-214 and the Assistant United States Attorney. *See* Order filed November 16, 1988, Doc. No. 8. The Court stated at pages 3 and 4 thereof:
>
> This Court has appointed the Magistrate to con-

> duct an investigation into allegations of misconduct against counsel Cordova Gonzalez. At this state, there are no formal disciplinary proceedings pending against counsel Cordova Gonzalez. *See Local Rules 211.5(a).* . . .
>
> After the investigation is completed and the Magistrate files his report, this Court will determine whether or not formal disciplinary proceedings are warranted . . .

On April 3, 1989, the Magistrate filed a sealed Investigative Report with findings of facts related to counsel Cordova Gonzalez' legal representation in four cases, including the case of *U.S.* v. *Irma Cruz Vazquez*, Cr. 88-214 HL,[16] on the posting of bail for the defendants.

Meanwhile, as a result of two motions filed by counsel Cordova Gonzalez in Criminal No. 86-419 (PG) on July 23, 1990, and in Criminal No. 87-29 (JAF) on July 24, 1990, which were ordered consolidated with the case at bar as it pertains to counsel Cordova Gonzalez' professional conduct, the Court found that the *formal* initiation of disciplinary proceedings was warranted. The Court appointed a committee for the *determination of facts* and *to recommend disciplinary action, if any. See* Order Appointing Committee Pursuant to Rule 211, Doc. No. 20. The Committee was authorized to conduct whatever hearings it deemed necessary, and was granted until December 15, 1990, as subsequently extended, to file a report and recommendation. Upon counsel Cordova's request, the Court issued a specification of charges. *See* Order of October 10, 1990, Doc. No. 26. The first charge referred to the posting of vail secured by two properties owned by counsel Cordova Gonzalez'

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[16] The correspondence written by Magistrate Arenas to counsel Cordova states in relevant part: "My role in this investigation is one of fact-finder. I make no recommendation to the referring Judge." *See* letter from Magistrate Arenas to counsel Cordova dated March 21, 1989. (Footnote in Court's ruling of October 21, 1991.)

wife in Cr. 88-21 (HL), while said properties were subject to Chapter XI Bankruptcy proceedings. The second charge referred to counsel Cordova Gonzalez' $100,000 loan from a criminal defendant he represented in Criminal No. 87-0029 (JAF). The third charge relates to the use of vitriolic and disrespectful language in pleadings filed with the Court in Criminal cases 86-419 (PG) and 87-0029 (JAF). *See* the Committee's Report and Recommendation, Doc. No. 61, pp. 15-27.

Order of October 21, 1991, Docket No. 26, pp. 3-4.

With respect to Charge III, use of abusive, vitriolic, and disrespectful language in pleadings, respondent claims that the Court prejudged the matter and that the Committee had no other choice than to follow the Court's implied conclusion. The short answer to this allegation is that the Committee made its own independent evaluation of the language utilized by respondent. Additionally, an examination of respondent's pleadings show that there is no other way to characterize this language but as abusive and degrading. Respondent's pleadings speak for themselves. Respondent asserts as a further defense that his "language contains his honest opinions and does not purport to be contemptuous conduct towards the court" and that his criticisms of the court may be rude but "have never risen to a level of conduct unbecoming a member of the bar warranting suspension." Respondent's Response to Show Cause, p.15, Docket #91.

We disagree. It is evident that respondent fails to recognize the offensiveness of his conduct. Insolence to a judge in the form of insulting words in pleadings has traditionally been recognized as improper conduct. It has been held that "unfounded accusations reflecting on the dignity, integrity and impeachability of the Court cannot be countenanced in a federal court." *U.S.* v. *Schaeffer*, 351 F.2d 91, 94 (6th Cir. 1965). Similarly, the law can tolerate isolated outbursts, but a course of repeated conduct that is designed to bring undue pressure in the court will be recognized and curbed. *Id.*

Respondent further claims that the Court has unduly

delayed these proceedings. This allegation is belied by the record. Formal charges were filed on August 30, 1990. The Committee's evidentiary hearings were continued at Respondent's request. *See* pp. 2-3, ante. Respondent subsequently sought and obtained extensions to file responses to the Committee's report. The case was finally submitted for decision on November 21, 1991.

Finally, respondent asserts that his language is a bona fide exercise of his right to freedom of speech. However, a lawyer's free speech anent judicial proceedings wherein he is a participant is not boundless. "It is unquestionable that in the courtroom itself, during a judicial proceeding, whatever right to 'free speech' an attorney has is extremely circumscribed." *Gentile* v. *State Bar of Nevada*, ___ U.S. ___, 111 S.Ct. 2720, 2743 (1991). Furthermore, repeated unfounded accusations couched in insulting language can hardly enjoy First Amendment protection, because an attorney's pleadings filed with a court have been regarded as a different matter. *In re Sawyer*, 360 U.S. 622 (1959); *In re Whiteside*, 386 F.2d 805 (2nd Cir. 1967), *cert. denied*, 391 U.S. 920 (1968); *See also In re Justice of the Appellate Division*, 301 N.E. 2d 426 (N.Y. 1973) (A persistent course of conduct, which is degrading to the law, the bar and the courts, and is irrelevant or grossly excessive, is punishable.). For a distinction between proper criticism and criticism that is disrespectful and unjustified, see *Paul* v. *Pleasants*, 551 F.2d 575 (4th Cir. 1977).

IV.

THE APPROPRIATE SANCTION

The Committee recommended that respondent be suspended from practicing for a period of one year, and as a condition precedent to reinstatement it further recommended that respondent take and pass a course on professional responsibility, and also take the Federal Bar examination in the area of the Local Rules of this Court. Contrary to the Committee's recommendation, the Court finds that the totality of the cir-

cumstances in this case requires disbarment as the appropriate sanction.

The evidence shows not isolated incidents of misconduct, but a continuous pattern of behavior degrading to the Court's integrity by personal and abusive attacks on several members of the Court. Respondent has used language unbecoming of a member of this bar. Criticism of this Court is always permissible, but unwarranted assaults on the Court are severely punishable. In criticizing judicial acts, a lawyer must not create disrespect for the Courts. In *McInnis* v. *U.S.*, 191 Fed. 157, *cert. denied*, 342 U.S. 953 (1952), a contempt order was upheld for directly insulting the trial judge with remarks such as "You ought to be ashamed of yourself," and "You should cite yourself for misconduct."

In his response and defense to the charges of professional misconduct, respondent made personal attacks on the judges. Such diatribes are improper. To aggravate matters, respondent shows no repentance. Respondent not only justifies his abusive conduct but persists thereon, even after the Committee's report was filed. The Court takes judicial notice of the complaint filed by respondent with the Court of Appeals against Judge Perez-Gimenez, Laffitte, and Fuste. The Court takes further notice that said charges were caused to be published in the first page of a local newspaper circulating in Bayamon,[17] with respondent's photo prominently displayed as the complainant. The complaint was summarily dismissed by Chief Judge Breyer as frivolous by order entered on October

[17] Because the rules of the Judicial Council of the First Circuit governing complaints of judicial conduct are cloaked in confidentiality, Rule 16, it is fair and reasonable to conclude that respondent caused the publication of the charges to further embarrass and humiliate the Court. *See Matter of Elizabeth Holtzman*, 577 N.E.2d 30 (NY 1991), *cert. denied*, 112 S.Ct. 648 (1991), upholding a reprimand for releasing to the media false allegations of specific judicial wrongdoing. "Petitioner knew or should have known that such attacks are unwarranted and unprofessional, serve to bring the Bench and Bar into disrepute, and tend to undermine public confidence in the judicial system." *Id.* at 33 (citations omitted). For the purpose of having a full record, the Court orders that the newspaper article of which judicial notice has been taken be made part of the record as Court's Exhibit I.

21, 1991. See *In re Complaint No. 113*, Antonio Cordova Gonzalez.

In applying the sanction of disbarment, the Court has also considered that *subsequent* to the filing of the Committee's report, respondent charged the United States Attorney's Office with a "[w]ell established pattern of character assassination and High Tech Linching (sic)." *See* Respondent's motion filed on November 12, 1991, Docket No. 86. In his latest motion for disqualification, notwithstanding explicit orders to respondent to refrain from filing further motions to recuse, respondent asserts

> Hon. Judge Laffitte's recent denial of an extension of time to file our responsive pleading to the order to show cause is, we humbly and indulgently submit; ARBITRARY, CAPRICIOUS, BIAS and UNJUST.
>
> He who "sat" on the case over seventeen months, without taking *ANY* action, now capriciously denies respondent to a 30 day extension to defend from His and the U.S. Attorney *unfounded charges*. This unjudicious action against *due process* is MOST UNFORTUNATE, because all this process stemed (sic) out of an untruthful, unsustained, mischievous, and malitious (sic) accusation of A.U.S.A. Plaza, which the Court joined, on a hearing held in Criminal Case No. 88-214 (HL) in August 7, 1988 — "that respondent had taken money from a defendant for posting a bond."

Docket No. 92, pp. 3-4 (emphasis and capital letters in original).

In ordering disbarment, the Court has given substantial weight to the evidence regarding the first two charges. These charges, taken together, reflect a pattern of deceit towards the Court and towards respondent's clients. Again, the same modus operandi is used in the utilization of property under the protection of the Bankruptcy Court, not belonging to respondent, to secure obligations and benefits to be derived by respondent in his law practice. This fraudulent behavior

constitutes sufficient and independent ground to support respondent's disbarment.

In sum, the Court is confronted with an attorney who has repeatedly demonstrated that he is not worthy of being a member of this bar and has shown his moral unfitness to discharge his obligations to his clients, the public, and the Court. We note that the principle objective in disciplinary proceedings is to protect the public, the Courts, and the legal profession from persons unfit to practice, rather than to penalize the individual attorney.

Consequently, given respondent's pattern of unprofessional conduct, his lack of remorse, his proclivity to incorporate intemperate and scandalous vilification against judges and the United States Attorney's Office, his flagrant disregard of previous court admonishments, the absence of mitigating circumstances, and his past disciplinary record, the only recourse is disbarment for conduct unbecoming a member of the bar of this Court.

WHEREFORE, it is hereby ordered that the name of **Antonio L. Cordova Gonzalez** be, and the same hereby is, stricken from the roll of attorneys permitted to practice before this Court.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 19th day of May, 1992.

s/ JUAN PEREZ-GIMENEZ

JUAN PEREZ-GIMENEZ

s/ CARMEN C. CEREZO

CARMEN C. CEREZO

s/ RAYMOND L. ACOSTA

RAYMOND L. ACOSTA

s/ JAIME PIERAS, JR.

s/ HECTOR M. LAFFITTE

Certified to be a true and exact copy
of the original.
LYDIA PELEGRIN, CLERK
U.S. District Court for the
District of Puerto Rico

By: ILLEGIBLE
Deputy Clerk

Date: 5/19/92

APPENDIX D

DOCKET ENTRIES

Misc. 88-118 IN THE MATTER OF
ANTONIO CORDOVA GONZALEZ,
PLAINTIFF.

INVESTIGATION RE ALLEGED MISCONDUCT

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1988	N.R.	PROCEEDINGS	MISC. 88-118 AMENDED AS PER ORDER 10-11-90
Oct. 14	1	ORDER (HL) referring matter stated herein to Mag JA for investigation, etc. (w/ copy of transcript of hrg on return of bond in CR 88-214 (HL) held on 10-7-88) S/cs to AUSA & Cordova. ir	
Oct. 14	2	PETITION req order to disqualify the entire office of the US Atty for the District of P.R., from investigating, calling a Grand Jury to investigate or prosecuting any criminal action or proceedings against petitioners, by Mercedes Esther Rivera Martinez thru her husband & cnsl Antonio Cordova, pro se. ir	

1988	N.R.	PROCEEDINGS
Oct. 14	1B	MOTION req immediate institution of proceedings, by Atty Cordova. ir
Oct. 18	2	ORDER (JA) sealing all correspondence & proceedings re: to the investigation, etc. S/cs to AUSA & Cordova. ir
Oct. 18	2A	MOTION in oppo to mot #1A, by USA. ir
Oct. 20	2B	INFORMATIVE MOTION re Mildred Albarran & some alleged notes in CR. 88-214, w/ attchs, by deft Mildred Albarran. ir
Oct. 20	2C	OPPOSITION to motion #2A, w/ memo in supp thereof, by Cordova. ir
Oct. 21	3	MOTION req speedy hrg, by Atty Cordova. ir
Oct. 25	4	MOTION req speedy proceedings, by Atty Cordova. ir
Oct. 25	5	INFORMATIVE motion re notification of memo #2C to US Atty, by Atty Cordova. ir
Oct. 25	6	ORDER (HL) that the Clerk of the Crt refile & redkt pleadings fld in CR. 88-214 w/ dkt #s 81, 82, 84, 86 & 87, etc. Copies of the 5 mots set forth in this order are to remain in CR. 88-214 (HL) S/cs to AUSA, Cordova, Clerk, counter section on 10-24-88. (Copies of dkt entries #81, 82, 84, 86 & 87 left in CR 88-214). ir
Nov. 2	6A	MOTION to seal report w/ report to USA purs to L.R. 211.5(A) attch, by USA. 11-5-88 ORDER (JA) GRANTED Nuc Por Tunc (UNSEALED order (HL) 10-11-90). ir
Nov. 3	6B	MOTION re: info mots 2B & 5 req they be included in the investigation w/ attchs, by USA. ir
Nov. 4	7	INFORMATIVE MOTION re sealed mot in Aid of jurisdiction, by Atty Cordova (w/

1988	N.R.	PROCEEDINGS
		manila sealed envelope) (UNSEALED ORDER (HL) 10-11-90). ir
Nov. 15	7A	MOTION to rectify previous statements or allegations, by Atty. Cordova. ir
Nov. 15	7B	ANSWER (COPY) to Gvr mot of 10-24-88 w/ attchs, by Atty Cordova (UNSEALED ORDER (HL) 10-11-90). ir
Nov. 15	7C	ADDITIONAL doct evidence (COPY) w/ amended plan of reorganization attch, by Atty Cordova. (UNSEALED ORDER (HL) 10-11-90. ir
Nov. 15	7D	SEALED MOTION (COPY) submitting further evidence in supp of petition #1A, w/ attchs, by Atty Cordova. (UNSEALED ORDER (HL) 10-11-90). ir
Nov. 15	7E	SEALED MOTION (COPY) submitting further docts w/ attchs by Atty. Cordova. (UNSEALED ORDER (HL) 10-11-90). ir
Nov. 15	7F	MOTION for 90 days ext time to complete investigation by Mag Arenas. 11-15-88 the Mag is GRANTED until 2-20-89 to complete investigation. S/cs to pts. ir
Nov. 16	8	ORDER (HL) DENYING 3 sealed mots #7, mot req TRO & sealed mot submitting further evidence in supp of req for disqualification. S/cs to AUSA, Mag Arenas, Atty Cordova on 11-16-88. ir
Nov. 18	9	INFORMATIVE MOTION submitting 2nd sealed motion in aid of jurisdiction & reconsideration of order dkt 11-16-88, w/ attchs, by Atty Cordova (UNSEALED ORDER (HL) 10-11-90). ir
Nov. 18	10	INFORMATIVE MOTION submitting sealed motion, w/ sealed motion req leave to make further oral statement by Atty Cordova (UNSEALED ORDER (HL) 10-11-90). ir

1988	N.R.	PROCEEDINGS
Dec 12	11	INFORMATIVE MOTION submitting sealed mot w/ sealed motion req opportunity to be heard, by Atty Cordova. (UNSEALED ORDER (HL) 10-11-90). ir
Dec. 30	12	SEALED MOTION in re: purpose of subpoena & other matters, by Atty Cordova, w/ sealed manila envelope attch. (UNSEALED ORDER (HL) 10-11-90). ir
1989		
Feb. 21	12A	MOTION req ext up to 3-22-89 to complete investigation, by Mag Arenas. 2-22-89 ORDER (HL) GRANTED until 3-31-89. ir)
Mar. 10	13	SEALED MOTION offering further evidence to be considered by Magistrate. (UNSEALED ORDER (HL) 10-11-90). ir
Mar. 28	14	MINUTES (JA) resetting meeting for 3-29-89 at 2:00 p.m. (UNSEALED ORDER (HL) 10-11-90). ir

CIVIL DOCKET CONTINUATION SHEET

IN THE MATTER OF ANTONIO CORDOVA GONZALEZ

91-1595 (HL)
Docket No. Misc. 88-118
Page 2 of ____ Pages

1989	N.R.	PROCEEDINGS
Apr. 3	15	INVESTIGATION REPORT (JA) sealed (UNSEALED ORDER (HL) 10-11-90). ir
Apr. 3	16	CERTIFICATE (SEALED) re return of deed #8 to Mildren Albarrab Cruz (UNSEALED) order (HL) 10-11-90). ir
Apr. 4	16A	MOTION SEALED req consideration of additional evidence w/ attch, by USA. (UNSEALED ORDER (ML) 10-11-90). ir
May 25	17	MOTION (SEALED) re visit to offices of Mag

1989	N.R.	PROCEEDINGS
		Arenas, by Atty Cordova (UNSEALED ORDER (HL) 10-11-90). ir
July 27	18	MOTION req that matter be consolidated; allegations of double exposure to punishment under the same set of facts, by Atty Cordova (fld in CV. 88-2116 (JAF), CR. 87-29, CR 87-419 (PG). ir
Aug. 31	19	ORDER (HL) re dkt #18 Cases CR. 87-29 (JAF) & CR. 86-419 are ordered consolidated w/ MISC. 88-118 (HL) solely as they pertain to the professional conduct of Atty Cordova. S/c to Cordova Gonzalez. ir
Aug. 31	20	ORDER (HL) appointing committee composed of Atty Perez-Bachs, Buso-Aboy & Ortiz Carrion purs to local rule 211. Rafael Perez-Bachs is designated as Chairman of the Committee. ir
Aug. 31	20A	ORDER (PG) in CV. 86-1337 re CR. 86-419 GRANTING req of Atty Cordova for consolidation, etc. ir
Sept. 5	21	MOTION req leave to adopt pleadings by reference, by Atty Cordova Gonzalez. ir
Sept. 10	22	MOTION to seal doct, w/ copy of sealed motion in aid of jurisdiction fld in CV. 88-2116 (JAF), CR. 87-29 (JAF), CR. 86-419 (PG) & MISC. 88-188 (HL), by Atty Cordova. (UNSEALED ORDER (HL) 10-11-90). ir
Sept. 10	23	MOTION to seal docts, w/ motion req notification of charges, complts. set of facts to be investigated by the disciplinary committee, by Atty Cordova. 9-17-90 ORDER (JAF) (COPY) GRANTED. A copy will be made available to Judge Laffitte MISC. 88-118 (HL). ir
Sept. 10	24	MOTION re: matter of debts w/ Mr. Lopez

1990	N.R.	PROCEEDINGS
		Nieves by Atty Cordova fld in CV. 88-2116 (JAF), CR. 87-29 (JAF), CR. 86-419 (PG) & MISC. 88-118 (HL). ir
Sept. 13	25	ORDER (JAF) on copy of sealed motion #22: Even though, your filing in this case are comptempuous per se, we will not order your arrest. The matter will be dealt w/ as req by you under MISC. 88-118 (HL). ir
Oct. 10	26	ORDER (HL) committee members are ordered to investigate & report to the Crt: the posting of bail for all defts in CR. 88-214 (HL), 2. obtaining a $100,000 loan from a CR deft repre by respondent in CR. 87-29 (JAF) & 3. filing of pleadings in CR. 86-419 (PG) & 87-29 (JAF). S/cs to Atty Cordova & Committee members. ir
Oct. 10	27	ORDER (HL) that the Clerk of the Crt UNSEAL the docts. The case files will be kept in chambers at all times. S/cs to Atty Cordova & Committee members. ir
Oct. 22	28	INFORMATIVE MOTION re 2 sealed pleadings enclosed in the same sealed envelope, w/ SEALED envelope attached, by respondent Antonio Cordova Gonzalez. 11/20 HL ir
Oct. 22		COPY OF MOTION for clarification of record, by Atty Cordova.
Oct. 22	29	SEALED MOTION in connection w/ Honorable Judge Laffitte order of 10-10-90, by Atty Cordova. (UNSEALED) ir
Oct. 22	30	SEALED MOTION in the nature of a bill of particulars, by Atty Cordova (UNSEALED)
Oct. 24	31	ORDER (HL) that the Clerk serve copy of the Magistrate's Investigation Report to Atty Cordova, US Atty, & committee members. S/cs to tps. ir

1990	N.R.	PROCEEDINGS
Oct. 24	32	ORDER (HL) re copy of motion req clarification of record fld on 10-22-90. NOTED.
Nov. 1	33	REQUEST to insert to dkt on appeal, circulate among the Judges of the Honorable Crt & Hon Committee appointed purs to rule 211, by Atty Antonio Cordova. 11/20 HL ir

CIVIL DOCKET CONTINUATION SHEET

IN THE MATTER OF ANTONIO CORDOVA GONZALEZ

91-1595 (HL)
Docket No. Misc. 88-118
Page of 3 Pages

1990	N.R.	PROCEEDINGS
Nov. 2	34	MOTION req that copy of sealed pleading fld be served upon Lopez Nieves or his cnsl, by deft Jose Lopez Nieves. 11/5 HL ir
Nov. 2	35	MOTION re Mag Report of Investigations served upon respondent, by respondent Atty Cordova. ir
Nov. 6	36	ORDER (HL) re dkt #33 The petition to insert the attached mot & transcript in the Crt of appeals dkt is MOOT. On 10-29-90 the Crt of appeals handed down its opinion in #89-1905, affirming the District Crt's decision of deft's Sect 2255 motion. Magistrate's Arenas Report & Recommendation dtd 10-18-90 in CV. 88-2117 (CR. 87-0251 (PG)) is irrelevant to this proceeding. S/cs to pts. ir
Nov. 6	37	MOTION req copy of report, by petitioner Jose Valentin Lopez. ir
Nov. 9	38	ORDER (HL) re dkt#37 MOOT. The Crt of Appeals issued its Opinion on this appeal. S/cs to tps. 11/11 HL ir
Nov. 21	39	INF. MOTION about filing of 3 sealed pleadings, by resp. mh

1990	N.R.	PROCEEDINGS
Nov. 21	40	MOTION resp. req. answer to bill of particulars, by Cordova. mh
Nov. 21	41	MOTION req. leave to voir dire hon. member of ethics committee, by resp. mh
Nov. 21	42	EXPLANATORY MOTION & other extremes, by resp. mh
Nov. 29	43	ORDER sched. prel. conf. addressed to A. Cordova, by head of committee Perez Bachs. mh
Dec. 7	44	INTERIM REPORT of prel conf. held as sched. on 12-4-90 at 4 PM. 12-11-90 ORDER (HL) Noted. mh
1991		
Jan. 23	45	MOTION granting ext of time of 45 days to atty Cordova to ans dkt #26, by
Jan. 23	46	MOTION in support of req. for ext of time, by atty Cordova. yrp
Jan. 28	47	MOTION req. ext of time of 45 days to retain counsel & file brief of law & facts, by atty Cordova. yrp
Mar. 1	48	MOTION sub. sealed mots. w/attach., by A. Cordova. mh 3-4-91 ORDER (HL) Because this file has been ordered to be kept in my chambers, docs. fld. need not be sealed & shall not be ordered sealed unless so ordered by the Crt. Copy of docs. sub. by Mr. Cordova shall be referred to each member of the Committee. s/cs to Comm. members & Cordova on 3-5-91. mh
Mar. 4	49	FIRST INF. MOTION re: ext. of time dkt #46, by A. Cordova. mh
Marc. 4	50	SECOND INF. MOTION about conditions in which file was made available, etc., by A. Cordova. mh

1991	N.R.	PROCEEDINGS
Mar. 7	51	MOTION most respectfully praying for an ext. until Mar. 18/91 to file memoranda, by A. Cordova. mh
Mar. 14	52	ORDER granting until 10-10-91 as last ext. to answer, by Committee. s/c to A. Cordova 3-18-91. mh
Apr. 23	53	MOTION pursuant to rules 144 & 455 of FRPC w/ memorandum of facts & law & exh. icr
May 6	54	ORDER Scheduling final hearing to be held on 5-16-91 at 2:30 P.M. at the courtroom of Hon. Hector M. Laffitte, by R. Perez Bachs. 5-7-91 Spoke to counsel Perez Bach's sec. who informed me that all parties concerned were notified (by M. Figueroa, Courtroom Deputy Clerk). mf
May 9	55	NOTICE (CLERK) it appear that this action is a civil action, effective this date, this case has been transferred to civil docket #91-1595, and that all subsequent filings herein shall bear the new civil case number & judge's initials, etc., as stated herein. s/c to pts. icr
May 20	56	PRELIMINARY objection to clerk sua sponte designation of the matter of caption as civil in nature by pltf. icr

CIVIL DOCKET CONTINUATION SHEET

IN THE MATTER OF ANTONIO CORDOVA GONZALEZ — Docket No. 91-1595 (HL) — Page 4 of ____ Pages

1991	N.R.	PROCEEDINGS
May 20	57	ORDER (HL) dtd. 5-20-91 Denying respondent's mot. to disqualify Judges Perez-

1991	N.R.	PROCEEDINGS
		Gimenez, Fuste & Laffitte, s/c to pts., on 5-21-91. icr
June 7	58	MOTION to seal w/sealed envelope attached, by L. Lizarribar, icr
June 7	59	SECOND req. praying for the disqualification of Hon. Judge Laffitte, Perez Gimenez & Fuste, by pltf. 6-21-91 ORDER (HL) Denied. s/c to pts. icr
July 19	60	THIRD mot. for disqualification as to Hon. Judge Laffitte under 28 USCA 144, by A. Cordova. 8-5-91 ORDER (HL dtd 8-2) Denied, s/cs: to pts. icr
Sept. 12	61	MOTION submitting sealed report & recommendation w/attch envelope, by Committee member Rafael Perez Bachs. (3/24/92 UNSEALED) icr
Sept. 13	62	ORDER (HL) dtd 9-11-91 The Clerk is ordered to notify counsel Cordova Gonzalez with a copy of the Committee's Report & Recommendation filed on 9-12-91. s/c to A. Cordova & pts. icr
Sept. 19	63	TRANSCRIPT of final hrg. before Committee proceedings held on 5-16-91 by Court Reporter J. Hendrich. icr
Sept. 20	64	ORDER (HL dtd 9-19) granting respondent up to 10-4-91 to show cause, why disciplinary action should not be taken. s/c: to pts. on 9-20-91. /no
Sept. 20	65	MEMO dtd 9-19-91 from Court Reporter J. Hendrich re: that transcript of final Committee hearing was hand delivered to Mrs. Antonio Cordova. /no
Sept. 20	66	SEALED MOTION in envelope. /no
Sept. 19	67	REQUEST to be permitted to peruse, or otherwise be notified of copy of Committee's R&R, by Antonio Cordova. icr

1991	N.R.	PROCEEDINGS
Sept. 19	68	RENEWAL of petitions for disqualification of Hon. Judges perez-Gimenez, Hector Laffitte & Jose Fuste, by Antonio Cordova. icr
Sept. 23	69	ORDER (JAF) Disqualifying from any future proceedings regarding this case, etc., as stated herein, s/c to pts. icr
Oct. 4	70	INFORMATIVE mot. w/sealed mot purs to disciplinary rules 211(5)(B) (5)(C) and related matters & req, by Antonio Cordova Gonzalez. icr
Oct. 11	71	LETTER to A. Cordova advising the cost of transcript of proceedings, by CR J. Hendrich. icr
Oct. 15	72	MOTION req. to be notified copy of transcript of hrg held Oct. 7, 1988 in case Misc. 88-0118 (HL) in order to respond to OSC, by A. Cordova. icr
Oct. 15	73	MOTION req. order to transcribe record of hrg held on Oct. 7, 1988 before Hon. Bankruptcy Judge Lamoutte, by A. Cordova. icr
Oct. 21	74	ORDER (HL) re dkt #67: Moot. Respondent Cordova Gonzalez was notified with and received a copy of, the Committee's Report. (See dkt #65). s/c to A. Cordova. icr ORDER (HL) re dkt #68: Moot as to Judge Fuste; inofficious as to Judge Perez Gimenez; and denied as to the undersigned. As this is the fourth req. for disqualification, respondent is to refrain from filing any further mots for disqualification. His grounds and req. are preserved on the record. Respondent is to abide by the Court rulings on this matter. s/c to A. Cordova. icr
Oct. 21	75	ORDER (HL) Respondent's mot req.

1991	N.R.	PROCEEDINGS
		reporter to transcribe the hrg is moot. The req. to reinstate the sealing of the record is denied, but the Committee's sealed R&R shall remain sealed until further order of this Court. Respondent is grtd an ext until Nov. 20, 1991 to retain counsel & file exceptions to the Committee's findings and recommendations in response to the Court's Sept. 19, 1991 OSC. s/c to A. Cordova. icr

CIVIL DOCKET CONTINUATION SHEET

IN THE MATTER OF ANTONIO CORDOVA GONZALEZ — Docket No. 91-1595 (HL) — Page 5 of ____ Pages

1991	N.R.	PROCEEDINGS
Oct. 21	76	ORDER (HL) re dkt #72: The Clerk shall notify respondent with copy of the transcript of the hrg on return of bond dated Oct. 7, 1988 in Cr. 88-214 (HL) filed on Oct. 14, 1988 in said case & attached to doc. #1 herein. s/c to A. Cordova w/attchs. icr ORDER (HL) re dkt #73: This mot should be addressed to the Bankruptcy Court. s/c to A. Cordova & Bankruptcy Court. icr
Oct. 22	77	SEALED mot. req. transcript of hrg. held 5-13-87 before Judge Fuste w/informative motion of filing thereof, by A. Cordova. icr
Oct. 23	78	MEMO advising that Mr. A. Cordova has picked up transcript, by CR J. Hendrich. icr
Oct. 23	79	TRANSCRIPT of Ethics Committee hrg held on 12-4-90 before Hon. Committee, by CR J. Hendrich. icr
Oct. 25	80	ORDER (HL) re dkt #77: Counsel is directed to req. the transcript from Judge

1991	N.R.	PROCEEDINGS
		Fuste's court reporter. The Court notes that the Cr. Case No. 87-029 was the subject of an appeal, 28 USC 2255 mot, etc. s/c to A. Cordova. icr
Nov. 1	81	MOTION req. further disc. in preparation to Show Cause, by A. Cordova. mf
Nov. 1	82	MOTION most respectfully sub. for the record, matters of law and fact, pertinent to HL's order of 10-21-91, by A. Cordova. mf
Nov. 5	83	ORDER (HL) that the Ct. notes that the still pending mot. req. copy of omnibus mot. has not been fld with the Ct.; the Ct. shall order the Clerk to mail respondent copy of the U.S.A.'s Report, etc. docket #6-A in Misc. 88-118; & further with respect to respondent's request to hear or copy the recorded statements by Mrs. Camely Lopez, the same are ordered to be made available to respondent for his examination, at the Clerk's Office under the supervision of a deputy clerk; the Clerk is further ordered to notify AUSA-Plaza with copy of this order, the Court's order of 10-21-91 & Special Committee's Report, etc., as stated herein, s/cs to A. Cordova Gonzalez, AUSA-Plaza & Clerk with attachments on 11-5-91. mf
Nov. 5	84	ORDER (HL) on ct. #82: Noted. s/c to Cordova. mf
Nov. 6	85	INFORMATIVE Mot re: that respondent has not been able to put his legal representation in a position to adequately file an answer to the order to show cause. np
Nov. 12	86	MOTION re order dtd 11-5-91, by A. Cordova. icr
Nov. 13	87	ORDER (HL) that no further ext shall be

1991	N.R.	PROCEEDINGS
		grtd after Nov. 20, 1991 to respondent & he should show cause by said date, or matter shall be submitted for decision. s/c to pts. icr
Nov. 14	88	MOTION req. aid of Court to proceed w/discovery, by A. Cordova. icr
Nov. 15	89	MOTION req. leave to file responsive answer to show cause order after 11-20-91, by A. Cordova. icr
Nov. 18	90	MOTION begging for reconsideration for ext to file responsive answer to show cause, by A. Cordova. icr
Nov. 19		ORDER (HL) on dkt #89: Denied. s/c to A. Cordova. icr
Nov. 20	91	RESPONSE TO OSC mot. to dismiss, by A. Cordova. icr
Nov. 21	92	ADDITIONAL mot req the disqualification of Hon. Judge Laffitte, from further adjudicating any matter related w/Antonio Cordova Gonzalez Esq. under Rule 455, by A. Cordova. icr
Nov. 22	93	MOTION req. the honor of being afforded a hrg., by A. Cordova. icr
Nov. 27	94	MOTION req. leave to file memorandum of law & facts, in support to respondent's position to dismiss, by A. Cordova. icr
Mar. 24		ORDER (HL) ON DKT #92: Denied, respondent is admonished that he was ordered to refrain from filing further recusal mots; the Ct further orders that all pleadings & orders be unsealed. s/cs to pties.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

Misc. No. 92-8038

IN RE:

ANTONIO L. CORDOVA GONZALEZ,

PETITIONER.

ORDER OF COURT

Entered October 14, 1992

Appellant's brief may not exceed 90 pages.

Appellant's request to apply Rule 16 of the Rules Governing Complaints of Judicial Misconduct to appellant's brief and appendix is denied. Appellant is warned not to include in his brief or appendix any materials which are not properly part of the district court record.

By the Court:
FRANCIS P. SCIGLIANO
Clerk.

[cc: Mr. Cordova]

APPENDIX E

RULE 211

.5 — Disciplinary Proceedings

.5(a) — When misconduct or allegations of misconduct which, is substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the Judge shall refer the matter of investigation and a formal disciplinary proceeding or such other recommendation as may be appropriate.

.5(B) — If after investigation, the Court determines that discipline proceedings are warranted, it shall issue an order requring the respondent-attorney to show cause why disciplinary action should not be taken, which order shall be served at the address registered with the Clerk of the Court.

.5(C) — Upon the respondent-attorney's answer to the order of show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard, the Court shall set the matter for hearing before one or more judges of the Court or such other person or persons as the Court may designate.